

**STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES**

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201351194
Issue No.: 1021
Case No.: [REDACTED]
Hearing Date: August 8, 2013
County: Wayne County (#19)

ADMINISTRATIVE LAW JUDGE: MICHELLE HOWIE

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's June 5, 2013 request for a hearing. After due notice, a telephone hearing was conducted on Thursday, August 8, 2013, from Detroit, Michigan. Participants on behalf of Claimant included [REDACTED] (cousin) and Claimant. Participants on behalf of Department of Human Services (Department) included [REDACTED] (Eligibility Specialist) and [REDACTED] (Family Independence Manager).

ISSUE

Did the Department properly close Claimant's case for Refugee Cash Assistance (RCA)?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Claimant received Refuge Cash Assistance (RCA) under the Refugee Assistance Program (RAP) as an immigrant from Iraq.
2. On May 1, 2013, the Department closed the case due to Claimant having been in the U.S for eight months.
3. On June 5, 2013, Claimant filed a hearing request, protesting the closure of the case.

CONCLUSIONS OF LAW

The Department of Human Services (DHS) policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

The refugee assistance programs (RAP) are federal programs which helps refugees and other non U.S. citizens with specified immigration statuses to become self-sufficient after their arrival in the U.S. RAP has two components; Refugee Cash Assistance (RCA) and Refugee Medical Assistance (RMA). RCA is a cash program for refugees and other non U.S citizens who are not eligible for the Family Independence Program (FIP). RMA is a medical program for refugees and other non U.S. citizens who are not eligible for other Medicaid (MA) programs. BEM 630 (May 2013)

RCA and/or RMA is available **only** during the eight months immediately following the refugee's date of entry into the U.S. or date asylum is granted. Month one is the month containing date of entry or date of adjustment to refugee status. BEM 630, p. 2. USCIS determines an individual's date of entry into the U.S. and enters it on the I-94 or other immigration document. This USCIS determination is **not** subject to the DHS fair hearing process. BEM 630, p. 4. The Department computer system automatically sets the redetermination date based on date of entry. It will automatically stop RCA and RMA benefits effective the month when the last group member has been in the U.S. for eight months from date of entry. BEM 630, p. 7.

In this case, Claimant received cash assistance under the RCA program as a non-U.S. citizen with special immigrant status. She applied for the program in January 2013 and was approved as of February 1, 2013. The redetermination date was set for April 30, 2013, based on eight months from the date of entry into the U.S. identified on her I-94 document (September 21, 2012). As of April 30, 2013, Claimant had been in the U.S. for eight months and no longer eligible for the RCA program per policy. Therefore, the Department established it acted in accordance with policy when it closed Claimant's RCA program.

Accordingly, the Department action is UPHeld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department established it did act properly when it closed Claimant's RCA case effective May 1, 2013.

Accordingly, the Department's determination is hereby, **AFFIRMED**.

M. Howie

Michelle Howie
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 8/19/2013

Date Mailed: 8/19/2013

NOTICE: Michigan Administrative Hearing System (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. MAHS will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request. (60 days for FAP cases)

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
 - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at
Michigan Administrative hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

MH/hw

cc:

