

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

IN THE MATTER OF:

██████████
██████████████████
██████████████████

Reg. No.: 2013-65297
Issue No.: 2000;5022
Case No.: ██████████
Hearing Date: October 16, 2013
County: Wayne (57)

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on October 16, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████, Assistance Payment Supervisor and ██████████, Eligibility Specialist.

ISSUE

Did the Department properly process Claimant's benefits for Medical Assistance (MA) and State Emergency Relief (SER)?

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 was an ongoing recipient of MA.
2. There was no negative action taken by the Department with respect to Claimant's MA benefits.
3. On August 13, 2013, Claimant submitted an application for SER assistance with heat and electricity.
4. On August 14, 2013, the Department sent Claimant a SER Decision Notice informing her that her request for assistance with heat was approved but that she would be required to make a payment towards the total amount. (Exhibit 4)

5. The Notice denied Claimant's request for assistance with electricity on the basis that she had reached the fiscal year cap. (Exhibit 4).
6. On August 16, 2013, Claimant submitted a hearing request disputing the Department's actions.

CONCLUSIONS OF LAW

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

MA

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act, 42 USC 1396-1396w-5, and is implemented by 42 CFR 400.200 to 1008.59. The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10 and MCL 400.105.

The Michigan Administrative Code R 400.903(1) provides as follows:

An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied or is not acted upon with reasonable promptness, and to any recipient who is aggrieved by an agency action resulting in suspension, reduction, discontinuance, or termination of assistance.

A request for hearing must be in writing and signed by the claimant, petitioner, or authorized representative. Rule 400.904(1). Moreover, the Bridges Administrative Manual (BAM) 600 (July, 2013), p. 4, provides in relevant part as follows:

The client or authorized hearing representative has *90 calendar days from the date of the written notice of case action to request a hearing*. The request must be received anywhere in DHS within the 90 days. [Emphasis added.]

In the present case, Claimant was an ongoing recipient of Medical Assistance (MA). In August 2013, the Department sent Claimant a Notice of Case Action informing her that her MA case would be closing effective September 1, 2013 based on a failure to submit employment verifications. Claimant requested a hearing disputing the closure. Prior to the hearing, the Department received and processed the requested verifications of employment. The Department reinstated Claimant's MA case and there was no lapse in MA coverage. Claimant confirmed that she received MA benefits for the months of

August 2013 and September 2013. Therefore, the Department corrected the action that Claimant requested a hearing on and there remains no issue left to be resolved. .

Additionally, Claimant testified that after submitting her request for hearing, she received a Notice of Case Action informing her that her MA case would be closing effective October 1, 2013. Because the Notice was sent after the August 16, 2013, request for hearing was submitted, there was no negative action taken by the Department during the 90 days preceding the filing of her hearing request, with respect to that case closure. The issue was not addressed during the hearing and Claimant was informed that if she disputed the action taken by the Department in closing her MA case effective October 1, 2013, she was entitled to request a hearing and have that issue resolved.

As such, Claimant's hearing request with respect to MA is **DISMISSED** for lack of jurisdiction. BAM 600, p 4

SER

The State Emergency Relief (SER) program is established by the Social Welfare Act, MCL 400.1-.119b. The SER program is administered by the Department (formerly known as the Family Independence Agency) pursuant to MCL 400.10 and by Mich Admin Code, R 400.7001 through R 400.7049.

Additionally, eligible households may receive assistance with heat and electricity costs under the energy services program. ERM 301 (March 2013), p. 1. The Department can award payments toward heat and electricity up to the fiscal year cap if it will resolve the emergency. ERM 301, p.10. Effective July 1, 2013, the fiscal year cap for both heat and electric is \$450.00. ERM 301, p.10;ERB 2013-001 (February 2013), p. 1,

Prior to authorizing the department's portion of the cost of services, verification that the copayment, shortfall or contribution has been paid by the client is needed. ERM 301, p.8. The total copayment is the amount the SER group must pay toward their emergency. ERM 208 (March 2013), pp. 1-2. Copayment amounts are deducted from the cost of resolving the emergency. ERM 208, pp. 1-2.

In this case, on August 13, 2013, Claimant submitted an application for SER assistance with non-heat electricity and heat-natural gas/wood/other. On August 14, 2013, the Department sent Claimant a SER Decision Notice informing her that her request for assistance with heat was approved and that the Department would pay \$14.77 towards her outstanding heat bill. Claimant was informed that she would be required to make a contribution payment of \$1,858.40, prior to the Department contributing the approved amount for the heat service. (Exhibit 4).

The Department testified that Claimant was only approved for a Department payment of \$14.77 towards her heat bill because on December 3, 2012, Claimant was approved for SER assistance with heat in the amount of \$435.23. The Department stated that the December payment was applied toward the \$450.00 fiscal cap and that Claimant only had \$14.77 remaining in eligible assistance for the fiscal year. The Department

presented a SER Cap summary and a SER Service Request summary in support of its testimony. (Exhibits 3 and 5).

The Department testified and Claimant confirmed that at the time of her application, she was seeking assistance with her heat bill in the amount of \$1,873.17. (Exhibit 2). The Department determined that Claimant had a contribution payment of \$1,858.40. This contribution amount added to the \$14.77 remaining in the fiscal cap not already used by Claimant equals the total amount of assistance requested by Claimant for heat. Therefore, the Department acted in accordance with Department policy when it approved Claimant's request for SER assistance with heat in the amount remaining of the fiscal cap and required that she contribute the remaining amount.

The August 14, 2013, SER Decision Notice also indicated that because Claimant had reached the fiscal cap for assistance with electricity, her request for SER assistance was denied for that service. (Exhibit 4). The Department presented a SER Cap summary and a SER Service Request summary that establishes that on December 3, 2012, Claimant was approved for SER assistance with electricity in the amount of \$450.00. (Exhibits 3 and 5). Therefore, because Claimant had reached the fiscal cap for assistance with electric services, the Department properly denied her SER application.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it determined that Claimant was approved for SER assistance with heat in the amount of \$14.77 and denied Claimant's request for SER assistance with electricity on the basis that she had reached the fiscal cap.

DECISION AND ORDER

Accordingly, Claimant's hearing request with respect to MA is DISMISSED and the Department's SER decision is AFFIRMED.



Zainab Baydoun
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: October 22, 2013

Date Mailed: October 22, 2013

NOTICE OF APPEAL: 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

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).

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-07322

ZB/tm

cc:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]