

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

IN THE MATTER OF:

██████████
████████████████████
██

Reg. No.: 2014-6919
Issue No(s): 5001, 3001
Case No.: ██████████
Hearing Date: December 5, 2013
County: Berrien-22

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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, an in person hearing was held on December 5, 2013, from Benton Harbor, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included Jill Winnell, and Ms. C. Taylor.

ISSUE

Did the Department properly deny Claimant's SER application and reduce Claimant's FAP benefits?

FINDINGS OF FACT

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

1. On October 2, 2013, Claimant submitted an application for State Emergency Relief requesting assistance for an electric bill.
2. On October 4, 2013, Claimant's application for State Emergency Relief was denied because it was not during crisis season.
3. On October 10, 2013, Claimant requested hearing regarding SER, FAP, and Cash Assistance.
4. Claimant's FAP benefits were reduced effective November 1, 2013, from ██████ to ██████ per month.

5. Claimant receives SSI in the amount of [REDACTED] per month and [REDACTED] State supplement.
6. Claimant has shelter expense of [REDACTED] per month.

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).

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food Stamp Act of 1977, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 271.1 to 285.5. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10 and Mich Admin Code, R 400.3001 to .3015.

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, Department policy dictates which months SER is available for payment of outstanding electric service during what they deem the "crisis season". The "crisis season" does not begin until November 1, therefore Claimant's October 2, 2013 application was properly denied. ERM 301.

With regard to the Food Assistance Program, the reduction in Claimant's food assistance was the result of a mass update following changes in the federal regulations, Department policy does not allow for a hearing based on a mass update and this issue could have been dismissed. However, the Department's budgeting was reviewed by this Administrative Law Judge and it was proper and correct.

In the present case, according to the aforementioned policy on budgeting, Claimant had [REDACTED] unearned income from SSI and the State Supplement. Claimant qualified for an excess shelter deduction of [REDACTED] as her shelter expenses of [REDACTED] were in excess of [REDACTED] by [REDACTED]. By subtracting [REDACTED] from [REDACTED], this results in a [REDACTED] net income. A household of 1 with a net monthly income of [REDACTED] is entitled to a monthly FAP grant of [REDACTED] per month. RFT 260. Therefore the Department's determination of FAP benefits is correct.


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 denied SER and reduced FAP benefits.

DECISION AND ORDER

Accordingly, the Department's decision is

AFFIRMED.



Aaron McClintic
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 12/09/2013

Date Mailed: 12/09/2013

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

2014-6919/ATM

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

AM/pw

cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
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