

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

IN THE MATTER OF:



Reg. No.: 201330684
Issue No.: 2018, 4001, 5026
Case No.: [REDACTED]
Hearing Date: May 29, 2013
County: Wayne County (#76)

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 request for a hearing. After due notice, a telephone hearing was conducted on Wednesday May 29, 2013 from Detroit, Michigan. The Claimant appeared and testified. Participant on behalf of Department of Human Services (Department) was [REDACTED] (Eligibility Specialist).

ISSUE

Whether the Department properly closed the Claimant's Medical Assistance (MA) case?

Whether the Department properly denied the Claimant's application for State Disability Assistance (SDA)?

Whether the Department properly processed the Claimant's State Emergency Relief (SER) request for rent services?

FINDINGS OF FACT

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

1. The Claimant is an ongoing MA recipient.
2. The Claimant submitted an application for SDA and SER benefits.
3. On March 1, 2013 the Department closed the Claimant's MA benefits.

4. The Claimant receives \$656/monthly in RSDI income.
5. On February 20, 2013, the Department received Claimant's written hearing request protesting actions that changed her benefit programs.
6. An Administrative Hearing was conducted on January 29, 2013, addressing whether the Department properly determined Claimant's eligibility for FAP, FIP and MA benefits.
7. An Administrative Law Judge decision issued February 11, 2013 reversed the Department and ordered a redetermination of Claimant's eligibility for FIP, FAP and MA benefits.

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 Medical Assistance (MA) program is established by the Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105.

The State Disability Assistance (SDA) program, which provides financial assistance for disabled persons, is established by 2004 PA 344. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, *et seq.*, and 2000 ACS, R 400.3151 through R 400.3180.

The State Emergency Relief ("SER") program is established by 2004 PA 344. The SER program is administered pursuant to MCL 400.10, *et seq.*, and by Mich Admin Code, Rules 400.7001 through Rule 400.7049. Department of Human Services', formerly known as the Family Independence Agency, policies are found in the Emergency Relief Manual ("ERM"). SER assists individuals and families to resolve or prevent homelessness by providing money for rent, security deposits, and moving expenses. ERM 303 (August 2012), p. 1.

In this case, evidence indicates the Claimant is probably not eligible for SDA or FIP benefits due to having RSDI income that exceeds the income limit for the programs. The evidence, however, is insufficient to support a finding that the Department acted in accordance with policy in regards to the actions taken in this case. The Department has the burden of establishing by a preponderance of the evidence that it acted in accordance with policy in any action taken that negatively affects a client. On this record, the Department did not meet its burden. The Department asserts the Claimant

and her son are eligible for MA benefits on other cases but presented no evidence to show that the Claimant, or her son, is currently active for MA benefits on other cases. The Department further asserts that the SER application was approved but did not present an SER Decision Notice or proof of payment authorization. I find there is insufficient testimonial or documentary evidence, such as a budget, notice of case action or other necessary documentation for either program identified to substantiate the Department's action.

Accordingly, the Department action is **not 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 did not establish that it acted in accordance with policy in regards to Claimant's MA, SER and SDA benefits.

Accordingly, the Department's MA, SDA and SER determination is hereby, REVERSED.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. The Department shall reinstate the Claimant's application for MA, SDA and SER benefits and process in accordance with policy.
2. The Department shall send proper notice of case action regarding each program identifying the action taken, the reason for the action and any appeal rights in accordance with department policy.



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

Date Signed: 6/12/2013

Date Mailed: 6/12/2013

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:

