

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-42752
Issue No.: 1033
Case No.: [REDACTED]
Hearing Date: July 17, 2013
County: Oakland DHS (03)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 held on July 17, 2013, from Detroit, Michigan. Participants included the above-named Claimant. Participants on behalf of the Department of Human Services (DHS) included [REDACTED], Specialist.

ISSUE

The issue is whether DHS properly terminated Claimant's Refugee Assistance Program- cash assistance (RCA) eligibility after Claimant's eight month of United States residency.

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 7/23/12, Claimant entered the United States.
2. On 1/8/13, Claimant applied for cash assistance.
3. On 2/20/13, DHS determined that Claimant was eligible for RCA for 2/2013 and not eligible, effective 3/2013, because Claimant was not eligible for RCA after eight months of residency in the United States.
4. On 4/12/13, Claimant requested a hearing to dispute the termination of RCA

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). DHS administers the MA program pursuant to MCL 400.10, et seq., and MCL 400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

The refugee assistance programs are federal programs which helps refugees to become self-sufficient after their arrival in the United States. Refugee Assistance Program has two components, Refugee Cash Assistance (RCA) and Refugee Medical Assistance (RMA).

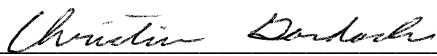
The present dispute only concerns RCA. It was not disputed that DHS denied RCA, effective 3/2013, on the basis that Claimant was not eligible for RCA after eight months in the United States.

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. BEM 630 (11/2012), p. 1. It was not disputed that Claimant's date of entry into the United States was 7/23/12. Claimant's ninth full month in the U.S. was 3/2013.

Claimant testified that he recently lost employment and has no income. Though Claimant's circumstances are sympathetic, DHS does not offer RCA starting with the ninth month of United States residency. Based on the presented evidence, it is found that DHS properly terminated Claimant's RCA eligibility, effective 3/2013.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly terminated Claimant's RCA benefit eligibility, effective 3/2013. The actions taken by DHS are AFFIRMED.


Christian Gardocki
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 7/31/2013

Date Mailed: 7/31/2013

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 affect the substantial rights of the claimant,
 - 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

CG/hw

cc:

