

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201368538
Issue No.: [REDACTED]
Case No.: [REDACTED]
Hearing Date: October 17, 2013
County: Clinton

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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 17, 2013, from Lansing, Michigan. Claimant appeared and testified from the Ingham County DHS Office. Participants on behalf of the Department of Human Services (Department) included Clinton County Lead Worker [REDACTED].

ISSUE

Did the Department determine the proper amount of Claimant's Food Assistance Program (FAP) benefits on August 26, 2013?

Did the Department properly deny Claimant's August 26, 2013, application for State Emergency Relief (SER) for relocation 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. Claimant was an ongoing recipient of Food Assistance Program (FAP) benefits.
2. On August 22, 2013, Claimant moved into a new location.
3. On August 26, 2013, Claimant submitted a State Emergency Relief (SER) application. Claimant was sent a Decision Notice State Emergency Relief (DHS-1419) denying the SER application. Claimant was also sent a Notice of Case Action (DHS-1605) which stated his Food Assistance Program (FAP) benefits would increase beginning September 1, 2013.
4. On September 3, 2013, Claimant submitted a request for hearing.

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.

It is noted that Claimant's move was from Clinton County to Ingham County for clarity of the overall situation. On the application Claimant marked that he was requesting assistance with a security deposit for [REDACTED]. Along with the application Claimant submitted a written statement that he had borrowed [REDACTED] to move into the apartment and a receipt dated August 22, 2013, for a [REDACTED] rent payment. During this hearing the Department representative explained that the information in the application showed Claimant had already moved into the apartment. Under those circumstances he did not qualify for assistance with his security deposit. Claimant then explained that he was not really requesting help with the security deposit; he was requesting help for the next month's rent.

On August 26, 2013, when Claimant submitted a rent receipt for [REDACTED], the Department understandably updated his Food Assistance Program (FAP) financial eligibility budget. On September 16, 2013, the Clinton County worker Emailed Claimant's Ingham County worker that the [REDACTED] rent in Claimant's FAP budget was incorrect.

It is also noted that both Claimant and the Ingham County personnel in their hearing room, report that Claimant has a hearing pending with Ingham County about his Food Assistance Program (FAP) benefits. Clinton County and Claimant agree that the August 26, 2013, Food Assistance Program (FAP) financial eligibility budget contained a mistake. Clinton County no longer has Claimant's case file and cannot make any changes to his Food Assistance Program (FAP). Clinton County informed Claimant's Ingham County worker of the mistake. Claimant's request for a hearing about the amount of his Food Assistance Program (FAP) benefits calculated on August 26, 2013, has been superseded by Department actions taken in Ingham County. All issues and specific facts involved in the subsequent Ingham County issue will be addressed in Claimants pending hearing.

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 Claimant's August 26, 2013 application for State Emergency Relief (SER). The Food Assistance Program (FAP) portion of this hearing is dismissed.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.

/s/ _____
Gary F. Heisler
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 10/21/2013

Date Mailed: 10/22/2013

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.

201368538/GFH

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

GFH/sw

cc:

