

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

IN THE MATTER OF:

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

Reg. No.: 2014 31931
Issue No(s): 5001, 3002
Case No.: ██████████
Hearing Date: April 14, 2014
County: Wayne County DHS 18

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 April 14, 2014, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████, FIM and ██████████, Assistance Payments Worker.

ISSUE

Did the Department properly deny the Claimant's SER application for rent assistance?

Did the Department properly close the Claimant's Food Assistance case?

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 applied for SER for rent assistance on 2/19/14.
2. The Department denied the SER application on 2/21/14 as no rent amount was sought based upon the eviction complaint and summons filed by the Claimant's Landlord. Exhibit 3 pp. 1 and 2 and Exhibit 2 pp. 1 and 2
3. The Department sent the Claimant a semi annual review and a verification checklist for his FAP benefits on 2/12/14 which was due by 2/24/14.

4. The Department requested that the claimant provide a verification of loss of employment for Hungry Howies which was not returned by the claimant.
5. The Claimant requested a hearing on March 5, 2014 protesting the denial of the SER and closure of his Food Assistance Case.

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, in this case the Department closed the Claimant's food assistance case due to Claimant's failure to return verification of loss of employment. The claimant did not return the verification by the due date. At the hearing, the Claimant testified that the employer would not complete the paperwork. The claimant did not advise the Department of the employer's refusal, thus based upon the paperwork it received the Department closed the Claimant's FAP case.

Department policy provides:

Send a negative action notice when:

- The client indicates refusal to provide a verification, **or**
- The time period given has elapsed and the client has **not** made a reasonable effort to provide it.

For FAP only, if the client contacts the department prior to the due date requesting an extension or assistance in obtaining verifications, you must assist them with the verifications but do not grant an extension. Explain to the client they will not be given an extension and their case will be denied once the VCL due date is passed. Also, explain their eligibility will be determined based on their compliance date if they return required verifications BAM 130 pp. 6 and 7 (4/1/14).

In this case, as the Claimant did not advise the Department prior to the due date regarding the difficulty with the verification the Department had no choice but to deny the application. The claimant may reapply for FAP benefits at any time. If the Claimant reapplies for FAP, he may seek the assistance of the Department to obtain the verification for loss of employment and if the Department is unsuccessful then it is to use the best available evidence.

The Department also denied the Claimant's SER application based upon the fact that the Summons and Complaint did not seek a money judgment for non-payment of rent. The summons indicates that the Claimant is being evicted and no money judgment is filled in or checked off. The Complaint provided to the Department also does not indicate the amount of rent due. Unfortunately, the landlord did not fill in these amounts and thus based upon the information provided with the SER application the Department correctly denied the application as no rent was sought and thus determined that the emergency was resolved. Exhibit 3. The claimant may reapply for SER if the he can present a summons and complaint which requests the amount of rent due.

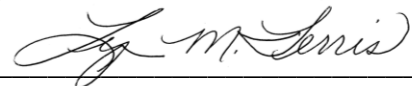
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department

acted in accordance with Department policy when it closed the Claimant's Food Assistance and denied the Claimant's SER application.

DECISION AND ORDER

Accordingly, the Department's decision is

AFFIRMED.



Lynn M. Ferris
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: April 16, 2014

Date Mailed: April 16, 2014

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

LMF/tm

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