

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2014-34614
Issue No.: 3001; 5000
Case No.: [REDACTED]
Hearing Date: June 19, 2014
County: Wayne (76)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 June 19, 2014, from Detroit, Michigan. Participants included the above-named Claimant. Participants on behalf of the Department of Human Services (DHS) included [REDACTED], Specialist, and [REDACTED], Manager.

ISSUES

The first issue is whether Claimant is entitled to an administrative hearing for a State Emergency Relief (SER) dispute when Claimant failed to apply for SER benefits.

The second issue is whether DHS properly determined Claimant's Food Assistance Program (FAP) eligibility.

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 FAP benefit recipient.
2. Claimant's FAP benefits were subject to a redetermination, beginning [REDACTED]
3. On [REDACTED], Claimant submitted a Shelter Verification (Exhibits 3-4) which stated that Claimant was responsible for paying \$200/month in rent and \$100 in utilities.

4. On [REDACTED], DHS mailed Claimant a Notice of Case Action (Exhibits 1-2), informing Claimant of a FAP redetermination, effective [REDACTED], in part, based on a \$200 rental obligation.
5. On [REDACTED], Claimant requested a hearing to dispute a DHS case action dated [REDACTED] which included disputes of FAP, SER and "to move" eligibility.
6. As of [REDACTED] Claimant had not applied for SER benefits.

CONCLUSIONS OF LAW

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. Department policies are contained in the Department of Human Services Emergency Relief Manual (ERM).

Claimant requested a hearing, in part, concerning eligibility related "to move". Claimant's hearing request implied that she expected DHS to assist her with moving costs. Claimant clarified that "to move" referred to assistance paying an account balance with an energy service provider. Claimant also testified that she requested a hearing for SER for the same reason.

Claimant testified that she lives with her daughter. Claimant testified that her daughter smokes. Claimant testified that she was diagnosed with COPD and needs to move so she can live in a smoke-free home.

During the hearing, Claimant presented a SER decision. The SER decision was dated from [REDACTED] and concerned an application that Claimant made in or close to [REDACTED]. Claimant was advised that her hearing request dated [REDACTED] could not have disputed an SER application which was not yet submitted. Claimant was advised to submit a second hearing request if Claimant disputes the SER decision from [REDACTED] was submitted to DHS.

The Michigan Administrative Hearing System may grant a hearing about any of the following:

- denial of an application and/or supplemental payments;
- reduction in the amount of program benefits or service;
- suspension or termination of program benefits or service
- restrictions under which benefits or services are provided;
- delay of any action beyond standards of promptness; or
- the current level of benefits or denial of expedited service (for Food Assistance Program benefits only).

BAM 600 (7/2013), p. 3.

Claimant conceded that she had not applied for SER for energy bill assistance as of the date of her hearing request dated [REDACTED]. Thus, Claimant is left with no SER decision to dispute. Concerning SER, Claimant's hearing request is appropriately dismissed.

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. Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM) and Department of Human Services Bridges Eligibility Manual (BEM) and Department of Human Services Reference Tables Manual (RFT).

Claimant also requested a hearing to dispute FAP eligibility. Claimant testified that she was dissatisfied with reductions that DHS made since a state-wide reduction in benefits. Claimant's hearing request was specifically tied to a case action affecting Claimant's eligibility from [REDACTED]. Claimant's hearing request restricts Claimant to disputing her FAP eligibility from [REDACTED].

FAP benefit determinations factor the following: income, standard deduction, mortgage expenses utility credit, medical expenses, child support expenses, day care expenses, group size and senior/disability/disabled veteran status. During the hearing, a budget summary (Exhibit 2) was discussed. The only FAP budget factor in dispute was Claimant's housing costs.

Claimant testified that she and her daughter are responsible for paying a \$750/month rent. It was not disputed that DHS factored a \$200/month rent obligation when Claimant's FAP eligibility was redetermined.

DHS is to allow a shelter expense when the FAP group has a shelter expense or contributes to the shelter expense. BEM 554 (2/2014), p. 12. Acceptable verification sources include a Shelter Verification. *Id.*, p. 14. Clients must report changes in circumstance that potentially affect eligibility or benefit amount. BAM 105 (1/2014), p. 9.

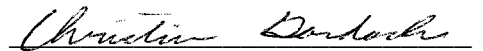
Claimant presented a lease (Exhibit A1) which verified a \$750/month rental obligation for Claimant. Claimant conceded that she did not submit the lease to DHS.

DHS presented the document that Claimant used to verify her shelter obligation. DHS presented a Shelter Verification (Exhibits 3-4) which stated that Claimant paid a \$200/month rental obligation. DHS cannot be faulted for budgeting the amount of rent listed on Claimant's submitted verification. It is found that DHS properly determined Claimant's FAP eligibility from [REDACTED].

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that Claimant failed to establish an administrative remedy concerning “to move” or SER eligibility. Claimant’s hearing request is **PARTIALLY DISMISSED**.

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly determined Claimant’s FAP eligibility, effective [REDACTED]. The actions taken by DHS are **AFFIRMED**.


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

Date Signed: 6/27/2014

Date Mailed: 6/27/2014

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

CG/hw

cc:

