

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

IN THE MATTER OF:



Reg. No.: 14-002783
Issue No.: 2000; 3008; 4001; 5001
Case No.: [REDACTED]
Hearing Date: August 6, 2014
County: Wayne-District 55

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 August 6, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Eligibility Specialist and Medical Contact Worker.

ISSUE

Did the Department properly calculate Claimant's Food Assistance Program (FAP) benefits?

Did the Department properly process Claimant's State Disability Assistance (SDA) case?

Did the Department properly process Claimant's application for State Emergency Relief (SER)?

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 SDA, FAP, and Medical Assistance (MA).
2. Claimant received monthly FAP benefits of \$189.
3. On February 28, 2014, Claimant's SDA case closed.

4. On March 31, 2014, Claimant reapplied for SDA on March 31, 2014.
5. On May 2, 2014, Claimant filed a request for hearing disputing the Department's actions concerning FAP, SDA, MA and SER.

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 273. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001 to .3015.

The State Disability Assistance (SDA) program is established by the Social Welfare Act, MCL 400.1-.119b. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to 42 CFR 435, MCL 400.10 and Mich Admin Code, R 400.3151-.3180.

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 Mich Admin Code, R 400.7001 through R 400.7049.

Additionally, Claimant requested a hearing concerning FAP, SDA, SER and MA. At the hearing, she testified that her MA issues had been resolved to her satisfaction and she did not wish to proceed with a hearing concerning that issue. Therefore, Claimant's May 2, 2104 hearing request concerning MA is dismissed.

FAP

The Department presented evidence showing that, at the time Claimant requested her hearing on May 2, 2014, she was receiving \$189 in monthly FAP benefits, the maximum benefits available to a single-member FAP group. RFT 260 (December 2013), p. 1. The Department further testified that, as of the May 2, 2014, hearing request, it had not notified Claimant of any future changes to her FAP allotment.

Claimant confirmed that she was the sole member of her FAP group and that she received \$189 in monthly FAP benefits until she started receiving Supplemental Security Insurance (SSI) benefits in August 2014. Because Claimant was receiving the maximum FAP benefits she was eligible to receive at the time she filed her hearing

request and she was not notified of any changes to her benefits, she was not aggrieved by a Department action. See Mich Admin Code, R 400.903(1). Therefore, she failed to establish any grounds for a right to hearing concerning the FAP issue and her hearing request concerning the FAP issue is dismissed. .

Claimant was advised that, if her FAP benefits decreased as a result of income she received after her May 2, 2014 hearing request and she wished to dispute the Department's calculation of benefits, she should request a hearing concerning the decrease.

SER

Claimant contends that in February 2014, after she was released from prison, she filed an SER application that the Department failed to process.

All SER applicants must complete the DHS-1514, Application for State Emergency Relief, unless they apply online through MIBridges for a SER covered service. ERM 103 (October 2013), p. 1. The Department notifies the SER applicant in writing of its decision on the application with 10 calendar days of the date the signed SER application is received in the local office. ERM 103, pp. 3, 6.

In this case, the Department credibly testified that it did not receive any application from Claimant for SER services. In support of its testimony, the Department presented a program request summary showing the applications Claimant had submitted for benefits that showed that the last SER application Claimant submitted was in May 2009. Claimant did not present any evidence to rebut the Department's position. Because Claimant failed to establish that she had filed a SER application, the Department did not act contrary to Department policy regarding processing SER applications. Claimant was not an aggrieved party with respect to SER, and her hearing request concerning SER is dismissed.

SDA

Claimant filed an application for SDA on March 31, 2014. The Department testified that, at the time Claimant requested a hearing, her medical packet was being reviewed by the Medical Review Team (MRT). MRT subsequently concluded that Claimant was not disabled and the Department sent Claimant a Notice of Case Action denying the SDA application on June 2, 2014. Because at the time Claimant requested a hearing on May 2, 2014, the Department had not taken any action on the SDA application, Claimant's hearing request concerning the SDA application was premature and not properly presented for hearing. See Mich Admin Code, R. 400.903(1).

During the course of the hearing, evidence was also presented that Claimant had been receiving SDA benefits, but her case closed on February 28, 2014. The Department testified that Claimant's SDA closed because she was incarcerated and ineligible for SDA benefits. A person in a federal, state or local correctional facility for more than 30 days is not eligible to receive SDA benefits. BAM 804 (July 2014), p. 1. Claimant admitted that she was incarcerated between October 26, 2013 and February 11, 2014.

Because Claimant had been incarcerated for more than 30 days, the Department acted in accordance with Department policy when it closed Claimant's SDA case.

DECISION AND ORDER

As discussed above, Claimant's hearing request concerning her March 31, 2014 SDA application and her MA, FAP and SER issues is DISMISSED.

The Department's decision concerning the closure of Claimant's SDA case is AFFIRMED.



Alice C. Elkin
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **8/14/2014**

Date Mailed: **8/14/2014**

ACE / tlf

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date.

A party may request a rehearing or reconsideration of this Hearing Decision from the Michigan Administrative Hearing System (MAHS) within 30 days of the mailing date of this Hearing Decision, or MAHS may order a rehearing or reconsideration on its own motion.

MAHS may grant a party's Request for Rehearing or Reconsideration 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 party requesting a rehearing or reconsideration 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 this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, 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

cc:

