

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

IN THE MATTER OF:

██████████
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██

Reg. No.: 14 007279
Issue No(s): 3001, 6001
Case No.: ██████████
Hearing Date: August 20, 2014
County: Wayne (49)

ADMINISTRATIVE LAW JUDGE: Jacquelyn A. McClinton

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 20, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████, Eligibility Specialist and ██████████ Family Independence Manager.

ISSUE

Did the Department properly fail to pay any monies following the approval of Claimant's State Emergency Relief (SER) application?

Did the Department properly calculate Claimant's eligibility for Food Assistance Program (FAP) benefits from January 1, 2014 through May 31, 2014?

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 May 6, 2014, Claimant again applied for SER for relocation services
2. On May 7, 2014, the Department approved Claimant's SER application
3. Prior to the Department making a \$410.00 payment, Claimant was required to make a payment in the amount of \$690.00.

4. The Department did not make the \$410.00 payment because Claimant failed to make the \$690.00 payment.
5. Claimant is an ongoing FAP recipient.
6. Claimant received \$91.00 in FAP benefits from January 1, 2014 through May 31, 2014.
7. Claimant began receiving \$189.00 in FAP benefits effective June 1, 2014, ongoing.
8. On July 8, 2014, Claimant filed a Request for hearing disputing the Department's action relating to her May 2014 SER application and her also relating to her FAP benefits.

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 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.

SER

Additionally, Department policy holds that a notice to quit is not acceptable. ERM 303 (October 2013), p. 6. On March 6, 2014, Claimant applied for SER for relocation services. To support her application for SER services, she submitted a notice to quit. Claimant confirmed that she submitted paperwork to the Department prior to going to court and receiving any judgment. As such, Claimant's March 6, 2014 application for SER services was denied.

On May 6, 2014, Claimant again applied for SER for relocation services. Claimant submitted acceptable documentation with this application. On May 7, 2014, the Department approved Claimant's SER application. The approval required Claimant to pay \$690.00. The maximum amount the Department can pay for relocation costs is \$410.00 based upon a group size of one. ERM 303, p. 7. When Claimant's SER

application was approved, the Department agreed to pay \$410.00. However, under Department policy, it will not make any payments until the client has paid his or her required portion. ERM 103 (October 2013), p. 4. Claimant testified that a third party group initially committed to pay her portion but lost funding and was unable to do so. Claimant was also unable to make the \$690.00 payment without assistance. As a result the Department properly failed to pay any money towards Claimant's relocation costs.

FAP

Claimant testified that she understands and is satisfied with the Department's actions with respect to her current FAP benefits which were effective June 1, 2014. However, Claimant indicated on the record that she wished to dispute the amount of FAP benefits she received from January 1, 2014 through May 31, 2014. Department policy holds that Supplemental Food Assistance benefit issuances (supplements) **must** be issued when the regular FAP issuance for the current or prior month(s) is less than the group is eligible for, or for periods when the group was eligible but received no regular benefits. BAM 406 (July 2013), p. 1. These supplements are limited to underissuances in the **twelve months** before the month in which the earliest of the following occurred:

- The local office received a request for lost benefits from the eligible group.
- The local office discovered that a loss occurred.
- The group requested a hearing to contest a negative action which resulted in a loss.
- The group initiated court action to obtain lost benefits. BAM 406, p. 3.

In this case, the Department confirmed that when determining Claimant's eligibility for FAP benefits from January 1, 2014 through May 31, 2014, it did include a heat expense. Claimant testified that she paid a heat expense from January 1, 2014 through May 31, 2014 and further stated that she had documentation to prove this claim. The Department did not provide Claimant's application/Redetermination or any other documentation that it relied on in not allowing the heat standard. Further, there was no evidence that any verification was requested and not returned relating to Claimant's heat expense. Claimant requested a hearing on July 15, 2014 and the Department learned of the mistake on the day of the hearing, if not before. Because the date of the hearing and the July 15, 2014 hearing request dates are within the 12 month timeframe of the effected benefits, Claimant may be entitled to supplements for her FAP benefits from January 1, 2014 through May 31, 2014.


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 policy when it did not make any payment towards relocation costs after Claimant failed to make the required payment. However, it is also found that the Department did not act in accordance with Department policy when it failed to include a heat expense when calculating Claimant's FAP benefits from January 1, 2014 through May 31, 2014.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED** in part and **REVERSED** in part.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Redetermine Claimant's eligibility for FAP benefits from January 1, 2014 through May 31, 2014;
2. Issue supplements to Claimant that she was eligible to receive but did not for FAP benefits from January 1, 2014 through May 31, 2014; and
3. Notify Claimant in writing of its decision.


JACQUELYN A. MCCLINTON
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: August 27, 2014

Date Mailed: August 27, 2014

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides or has its principal place of business in the State, 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.

14-007279/JAM

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

JAM/cl

CC:

[REDACTED]
[REDACTED]
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