

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

IN THE MATTER OF:

[REDACTED]

PLEASE FORWARD GENERAL DELIVERY

Reg. No.: 14-013950
Issue No.: 3008
Case No.: [REDACTED]
Hearing Date: December 11, 2014
County: MACOMB-12 (MT CLEMENS)

ADMINISTRATIVE LAW JUDGE: Lynn 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, an in-person hearing was held on December 11, 2014, from Mount Clemens, Michigan. Participants on behalf of Claimant included the Claimant, [REDACTED], the Claimant's Authorized Hearing Representative, also appeared on Claimant's behalf. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Hearing Facilitator.

ISSUE

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

Did the Department properly deny the Claimant's State Emergency Relief application?

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 was an ongoing recipient of Food Assistance benefits.
2. The Department reduced the Claimant's food assistance benefits to \$ [REDACTED] a month after it was determined that she had not provided housing information to support a shelter deduction. The Department sought to verify the Claimant's housing expenses and the verification checklist was not received by the Claimant, as it was sent to the wrong address through no fault of the Department because the Claimant had not updated her address to indicate General Delivery was required as part of the address.

3. The Claimant applied online for State Emergency Relief on September 24, 2014. Exhibit 4. The application requested [REDACTED] for first month rent and an [REDACTED] security deposit. The reason listed for moving by the Claimant was unsafe environment. At the time of the application, the Claimant had income based on [REDACTED] of [REDACTED] in the amount of [REDACTED]. [REDACTED] The rent the Claimant sought was more than her current monthly unearned income.
4. At the time of the SER application, the Claimant was living in a motel. The Claimant had been offered employment contingent upon to her ability to obtain secure housing, so that the employer equipment loaned to her to do her work would be secure.
5. The Claimant met with the Department on October 3, 2014, with regard to her living situation. At that time, she attempted to present the Department with evidence that she was paying housing expenses. The Department did not look at these expenses and refused to review them. Claimant Exhibit B.
6. The Department issued a State Emergency Relief Decision Notice on September 26, 2014 denying the Claimant's application, noting that she did not have a court ordered eviction and the new apartment was not affordable. Exhibit 5
7. The Claimant requested a hearing on October 8, 2014, protesting the denial of the State Emergency Relief application and requested a hearing regarding Food Assistance.

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.

Additionally, there were two issues presented by the Claimant's Hearing Request. The first issue involved whether the Department properly calculated the Claimant's food assistance benefits. The second issue was whether the Department properly denied the Claimant's application for State Emergency Relief.

Food Assistance

The Claimant's food assistance budget was reviewed at the hearing. The Claimant's income was reviewed and confirmed by both the Claimant and the Department, after review of the SOLQ indicating the amounts of RSDI and SSI currently received by the Claimant. The Department correctly determined that the Claimant had [REDACTED] in gross unearned income. The Department FAP budget also credited the Claimant with [REDACTED] in child support payments. Although the Claimant indicated she currently pays more than [REDACTED] she had not previously advised the Department of the increase. Therefore, based on the information the Department had available, it properly determined the child support deduction to be [REDACTED]. Once the standard deduction and the child support deduction were taken from the gross income, the Adjusted Gross Income was [REDACTED]. The Claimant did not receive an excess shelter deduction because at the time the FAP budget was prepared, the only shelter expenses reported were utility expenses and no rent. Exhibit 2. Thus based upon adjusted gross income of [REDACTED] and consulting RFT 260 which is a reference table that dictates the amount of benefits based on adjusted gross income, the Department correctly determined that the Claimant was eligible for [REDACTED] in Food Assistance.

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 correctly determined that the Claimant was eligible for [REDACTED] in Food Assistance. As discussed at the hearing, so long as the Claimant is paying to live in a motel or other temporary living quarters, she is entitled to have her housing expenses included in the calculation of her Food Assistance benefits. However, the Claimant now understands that verification of these expenses requires a receipt from the motel or other place she is living indicating the amount of rent paid. Previously, the Claimant had attempted to verify her housing expenses based on withdrawals from her bank account to pay for rent. A rent receipt is sufficient to verify the expense if the Claimant's name, address and obligation are shown. BEM 554 (10/1/14), p. 26.

State Emergency Relief (SER) Application

At the time of the Claimant's State Emergency Relief application, the Claimant had income of [REDACTED] per month, was living in a motel, although her living situation was not clear from the application because the Claimant mistakenly included the address where she wished to move as her current address, and the rent of [REDACTED], which she sought assistance for, was more than her then current monthly income.

ERM 303 (10/1/13) p. 1 provides:

State Emergency Relief (SER) assists individuals and families to resolve or prevent homelessness by providing money for rent, security deposits, and moving expenses. The maximum amount available for relocation expense for one person is \$410. Relocation services are only available if a person is homeless which is defined as:

Persons living in an emergency shelter or motel, in HUD-funded transitional housing for homeless persons who originally came from the street, in a car on the street or in a place unfit for human habitation and there is no housing where they can return. Groups who voluntarily left their home, but can return without a threat to their health or safety, are not homeless. ERM 303, p. 2. Bridges will determine whether the SER group's rental housing is affordable. Approve SER for relocation services only if the group's rental obligation meets the criteria for housing affordability specified in ERM 207. P. 4.

The Department also must make a determination as to whether housing is affordable. Department policy requires that the Department:

Authorize SER for services only if the SER group has sufficient income to meet ongoing housing expenses. An SER group that cannot afford to pay their ongoing housing costs plus any utility obligations will not be able to retain their housing, even if SER is authorized.

Deny SER if the group does not have sufficient income to meet their total housing obligation. The total housing obligation cannot exceed 75 percent of the group's total net countable income. ERM 207 (3/1/13) p. 1

Based upon the foregoing policy, it is determined that the Claimant was not homeless at the time of the application, that she did not have sufficient income to afford to pay for the total housing costs she sought assistance for, and the relocation costs would not have resolved or paid for the expenses required for the Claimant to pay for her rent and security deposit, and thus would not have resolved the emergency. Based upon the facts and evidence provided by the Department, it is determined that the Department properly denied the Claimant's SER application.

Thus, based upon the Findings of Facts and Conclusions of law it is determined that the Department acted in accordance with Department policy when the Department denied the Claimant's SER application for relocation assistance.

DECISION AND ORDER

Accordingly, the Department's decision is

AFFIRMED.



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

Date Signed: **12/15/2014**

Date Mailed: **12/15/2014**

LMF/tm

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 48909-8139

cc:

