

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201415073
Issue No.: 3002, 5002
Case No.: [REDACTED]
Hearing Date: January 9, 2014
County: Calhoun County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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 January 9, 2014, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED] [REDACTED] and [REDACTED] [REDACTED].

ISSUE

Whether the Department of Human Services (Department) properly withheld payment of State Emergency Relief (SER) benefits and reduced her Food Assistance Program (FAP) benefits?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

1. On October 9, 2013, the Claimant submitted an application for State Emergency Relief (SER) benefits, requesting assistance with relocation expenses.
2. The Claimant is an ongoing Food Assistance Program (FAP) recipient.
3. On October 14, 2013, the Department approved the Claimant for State Emergency Relief (SER) benefits contingent upon her payment of a \$ [REDACTED] co-payment by November 7, 2013.
4. The Department did not issue the Claimant State Emergency Relief (SER) benefits.
5. On October 14, 2013, the Department notified the Claimant that he was eligible for continued Food Assistance Program (FAP) benefits in the monthly amount of \$ [REDACTED].

6. The Department received the Claimant's request for a hearing on November 22, 2013, protesting the Department's failure to issue State Emergency Relief (SER) benefits and the amount of her monthly Food Assistance Program (FAP) allotment.

CONCLUSIONS OF LAW

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.

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes the completion of necessary forms. Department of Human Services Bridges Assistance Manual (BAM) 105 (March 1, 2013), p 5. Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. Department of Human Services Bridges Assistance Manual (BAM) 130 (May 1, 2012), p 1. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level when it is required by policy, required as a local office option, or information regarding an eligibility factor is unclear, inconsistent, incomplete, or contradictory. BAM 130. The Department uses documents, collateral contacts, or home calls to verify information. BAM 130. A collateral contact is a direct contact with a person, organization, or agency to verify information from the client. BAM 130. When documentation is not available, or clarification is needed, collateral contact may be necessary. BAM 130.

Authorize any combination of the following services:

- First month's rent.
- Rent arrearage.
- Mobile home lot rent.
- Mobile home lot rent.
- Security deposit.
- Moving expenses. Department of Human Services Emergency Relief Manual (BEM) 303 (October 1, 2013), p 1.

A State Emergency Relief (SER) applicant that meets all eligibility criteria but has an income or asset copayment, shortfall, and/or contribution, the Department will not issue payment until the applicant provides proof that their payment has been made. If another agency is making the payment, proof that payment will be made is required. Verification of payment must be received in the local office within the 30-day eligibility period or no SER payment will be made and the client must reapply. Department of Human Services Emergency Relief Manual (BEM) 103 (October 1, 2013), p 4.

On October 9, 2013, the Claimant submitted an application for State Emergency Relief (SER) benefits, requesting assistance with relocation expenses. On October 14, 2013, the Department approved the Claimant for State Emergency Relief (SER) benefits contingent upon her payment of a \$ [REDACTED] co-payment.

Department records indicate that no verification that the Claimant made the \$ [REDACTED] co-payment, or that third party made that payment on her behalf.

The Claimant testified that verification that a third party made the \$ [REDACTED] co-payment on her behalf was faxed to the Department on October 31, 2013. The Claimant testified that she verbally confirmed that the verification had been sent in a conversation with her caseworker.

Based on the evidence and testimony available during the hearing, this Administrative Law Judge finds that the Claimant failed to provide sufficient evidence to establish that verification of the co-payment being made was submitted to the Department. Therefore, the Department was acting in accordance with policy when it withheld State Emergency Relief (SER) benefits due to the unverified co-payment.

The Claimant is an ongoing Food Assistance Program (FAP) recipient. On October 9, 2013, the Claimant submitted an application for State Emergency Relief (SER) requesting assistance with relocation expenses.

The Claimant's request for assistance with relocation expenses placed a duty on the Department to seek verification of her current shelter expenses. The Department is prohibited from including unverified shelter expenses in its Food Assistance Program (FAP) eligibility determination until the shelter expenses have been verified. The Department will determine eligibility and the benefit level without a shelter expense where verification has not been provided, as opposed to closing the benefits case. Department of Human Services Bridges Eligibility Manual (BEM) 554 (February 1, 2014), p 3.

In this case, Department records only indicated that the Claimant intended to move into a new home. No verification that the Claimant had moved and was financially obligated to pay the rent at the new home was received by the Department. Therefore, the Department was acting in accordance with policy when it removed the Claimant's monthly shelter from its eligibility determination, which resulted in a reduction of Food Assistance Program (FAP) benefits.

DECISION AND ORDER

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 withheld State Emergency Relief (SER) benefits and determined the Claimant's Food Assistance Program (FAP) eligibility.

Accordingly, the Department's decision is **AFFIRMED**.

/s/ _____
Kevin

_____ Scully
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: January 10, 2014

Date Mailed: January 10, 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:

201415073/KS

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-07322

KS/hj

cc:

