

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2014-24830
Issue No(s): 3002; 6046
Case No.: [REDACTED]
Hearing Date: February 27, 2014
County: Genesee-06

ADMINISTRATIVE LAW JUDGE: Darryl T. Johnson

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 February 27, 2014, from Lansing, Michigan. Participants on behalf of Claimant included the Claimant, [REDACTED]. Participants on behalf of the Department of Human Services (Department) included Assistance Payments Supervisor [REDACTED] and Hearings Facilitator [REDACTED].

ISSUE

Did the Department properly determine Claimant's State Emergency Relief (SER) and 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. On December 18, 2013, Claimant applied for SER for help in repairing her van.
2. On December 19, 2013, the Department denied her application, finding she does "not have an emergency." See Exhibit 1 Page 9.
3. Claimant is married, but neither she nor her husband work.
4. On January 16, 2014, the Claimant requested a hearing, using the Request for Hearing that was provided in the December 19 denial. See Exhibit 1 Page 30.
5. In her Request for Hearing Claimant stated that she needs transportation to do her grocery shopping. She also wrote a note that her "food stamp has been cut from [REDACTED] to [REDACTED]."

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).

As stated in ERM 209 (3/1/2013) at page 4, Emergency Services funds may not be used to repair or purchase a vehicle. As stated in BEM 232 (10/1/13) page 1, "There is no entitlement for (Direct Support Services). The decision to authorize DSS is within the discretion of the DHS or PATH program. Employment Support Services (ESS) include vehicle purchases and vehicle repair (BEM 232 at page 1). DSS "are goods and services provided to help families achieve self-sufficiency." "The primary avenue to self-sufficiency is employment." Id.

Because there is no entitlement to SER, decisions denying an application for SER benefits are not reviewable through an administrative hearing. Since participation in the DSS program is discretionary and not an entitlement, the Department has established that it properly denied the Claimant's application for DSS benefits.

In the Hearing Summary (Exhibit 1 Page 1) the Department did not identify FAP as an issue. However, the Claimant's hearing request specifically identifies a reduction in her FAP benefits as a point of concern. The Department and the Claimant provided testimony regarding her FAP. Her FAP was \$ [REDACTED] in September 2013. It was reduced to \$ [REDACTED] for October, then to [REDACTED] for November and December, and then to \$ [REDACTED]7 in January 2014. The Department attributed the October change to a mass policy update which reduced standard deductions accounted for in FAP budgets. The November reduction was a mass policy update that reflected a loss of funding through the American Recovery and Reinvestment Act (also known as "stimulus funds). The January reduction was because Claimant's unearned income increased as of January 1, 2014. In December 2013, she received the following: RSDI - \$ [REDACTED] SSI - \$ [REDACTED]; State Supplement - [REDACTED] Total unearned income - [REDACTED] As of January 1, 2014, her income was: RSDI - \$ [REDACTED] SSI - \$ [REDACTED] State Supplement - [REDACTED]; Total unearned income - \$ [REDACTED] Exhibit 1 Page 24 reflects the Department's calculation of her FAP budget for January 2014, and there is no indication that budget is in error.

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 determined that Claimant was not eligible for SER, and calculated her FAP benefits properly.

DECISION AND ORDER

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



Darryl T. Johnson
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: February 27, 2014

Date Mailed: February 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

DTJ/las

cc:

