

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

IN THE MATTER OF:

████████████████████
██
████████████████████

Reg. No.: 2014-7436
Issue No(s): 1001; 4001
Case No.: ██████████
Hearing Date: January 9, 2014
County: Wayne (35)

ADMINISTRATIVE LAW JUDGE: Eric Feldman

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 Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department or DHS) included ██████████ Assistant Payment Worker.

ISSUE

Did the Department properly deny Claimant's cash assistance application effective October 1, 2013, ongoing?

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 September 8, 2013, Claimant applied for cash assistance benefits. See Exhibit 1.
2. On September 10, 2013, the Department sent Claimant a Notice of Case Action notifying her that her cash assistance application was denied effective October 1, 2013, ongoing because she was found not eligible for cash assistance. See Exhibit 1.
3. On October 16, 2013, Claimant filed a hearing request, protesting her cash assistance denial. See Exhibit 1.

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 Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10 and 400.57a and Mich Admin Code, R 400.3101 to .3131.

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 MCL 400.10 and Mich Admin Code, R 400.3151-.3180.

The Family Independence Program (FIP), Refugee Cash Assistance (RCA) and State Disability Assistance (SDA) are cash assistance programs designed to help individuals and families become self-sufficient. BEM 209 (July 2013), p. 1.

When an individual applies for cash assistance, the Department determines group composition and builds an eligibility determination group (EDG) for these programs in the following order: FIP, RCA and SDA. BEM 209, p. 1. Cash assistance is available to eligibility determination groups who meet all of the non-financial and financial requirements that are needed to determine eligibility and calculate benefit amounts. BEM 209, p. 1. It should be noted that Claimant is not eligible under RCA benefits. See BEM 215 (July 2013), p. 1.

In this case, on September 8, 2013, Claimant applied for cash assistance benefits. See Exhibit 1. On September 10, 2013, the Department sent Claimant a Notice of Case Action notifying her that her cash assistance application was denied effective October 1, 2013, ongoing because she was found not eligible for cash assistance. See Exhibit 1. Specifically, the Department found claimant not eligible for cash assistance because the individual(s) is not a dependent child, a caretaker/relative of a child, not pregnant, not aged or disabled, not a refugee or does not have a qualifying relationship to other household members. See Exhibit 1.

In regards to FIP benefits, Claimant testified that she is 21-years-old, not pregnant, does not have any children, and lives with her mother.

To be eligible for FIP both of the following must be true:

- The group must include a dependent child who lives with a legal parent, stepparent or other qualifying caretaker.
- The group cannot include an adult who has accumulated more than 60 TANF funded months, beginning October 1, 1996 or any other time limits in the Family Independence Program.

BEM 210 (July 2013), p. 1.

Based on the foregoing information and evidence, the Department properly determined that Claimant is not eligible for FIP benefits. A review of the FIP eligibility determination group indicates that Claimant is not eligible for FIP benefits because the group does not include a dependent child nor is she pregnant. See BEM 210, pp. 1-16.

In regards to SDA benefits, Claimant testified that she was in a car accident on [REDACTED] and suffers from medical conditions. Claimant testified that her mother is not disabled. Moreover, a review of Claimant's application indicated that she did not state that she is disabled or her mother. See Exhibit 1. However, the application did indicate that she applied for Supplemental Security Income (SSI). See Exhibit 1.

SDA is a cash program for individuals who are not eligible for FIP and are disabled or the caretaker of a disabled person. BEM 214 (July 2013), p. 1.

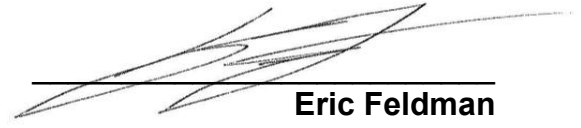
Based on the foregoing information and evidence, the Department properly determined that Claimant is not eligible for SDA benefits. SDA is a cash program for individuals who are not eligible for FIP and are disabled or the caretaker of a disabled person. BEM 214 (July 2013), p. 1. A review of Claimant's application indicated she did not state that she was disabled or her mother. See Exhibit 1. There is no evidence to indicate at the time of application that Claimant is disabled or the caretaker of a disabled person. BEM 214, p. 1.

In summary, the Department acted in accordance with Department policy when it properly denied Claimant's cash assistance application effective October 1, 2013, ongoing, in accordance with Department policy.

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 properly denied Claimant's cash assistance application effective October 1, 2013, ongoing.

Accordingly, the Department's cash assistance (FIP and SDA) decision is AFFIRMED.



Eric Feldman
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: January 16, 2014

Date Mailed: January 16, 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

EJF/cl

cc:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
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