

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

IN THE MATTER OF:



Reg. No.: 14-017208
Issue No.: 3002, 5001
Case No.:
Hearing Date: January 13, 2015
County: BAY

ADMINISTRATIVE LAW JUDGE: Gary Heisler

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 13, 2015, from Lansing, Michigan. Participants on behalf of Claimant included herself. Participants on behalf of the Department of Human Services (Department) included ES and AP Supervisor .

ISSUE

Did the Department properly determine Claimant's Food Assistance Program eligibility on November 5, 2014?

Did the Department properly deny Claimant's October 22, 2014, State Emergency Relief Program application for relocation assistance?

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 October 22, 2014, Claimant submitted an application for Food Assistance Program benefits and State Emergency Relief Program assistance for relocation. On the application Claimant indicated she was staying with her grand-daughter.
2. On October 24, 2014, Claimant was sent a State Emergency Relief Decision Notice (DHS-1419) which stated her SER application was denied.
3. On November 5, 2014, Claimant told the Department that her grand-daughter was not going to write a statement that Claimant was required to pay rent. Claimant's Food Assistance Program eligibility was determined without verified shelter

expense and Claimant was sent a Notice of Case Action (DHS-1605) which stated she was eligible for \$19 per month of Food Assistance Program benefits.

4. On November 24, 2014, Claimant submitted a hearing request.

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.

Claimant does not dispute that she was staying with her grand-daughter when she applied for State Emergency Relief Program assistance with relocation. State Emergency Relief Manual 303 Relocation states:

Group Living With Friends or Relatives

A group living with friends or relatives is not homeless, even if the arrangement is temporary unless one of the situations below exists:

The group is living temporarily with other persons following a fire or natural disaster that occurred not more than 60 days before the date the group files an application for SER.

The group is living with other persons to escape a domestic violence situation.

The group meets eligibility criteria for one of the homeless assistance programs listed above.

Claimant did not meet any of the “need reason” criteria above to be eligible for relocation services.

Claimant did not dispute that her grand-daughter would not provide verification of her requirement to pay rent to stay there. Bridges Eligibility Manual (BEM) 554 FAP Allowable Expenses and Expense Budgeting (2014), under Shelter Expenses at page 14 states:

Verification

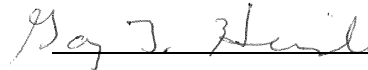
Verify shelter expenses at application and when a change is reported. If the client fails to verify a reported change in shelter, remove the old expense until the new expense is verified.

Because Claimant did not verify her reported shelter expense, the Department properly computed her Food Assistance Program eligibility without the unverified expense.

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 denied Claimant's October 22, 2014, State Emergency Relief Program application for relocation assistance and determined her Food Assistance Program eligibility on November 5, 2014.

DECISION AND ORDER

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



Gary Heisler
Administrative Law Judge
for Nick Lyon, Interim Director
Department of Human Services

Date Signed: **1/22/2015**

Date Mailed: **1/22/2015**

GFH/hj

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.

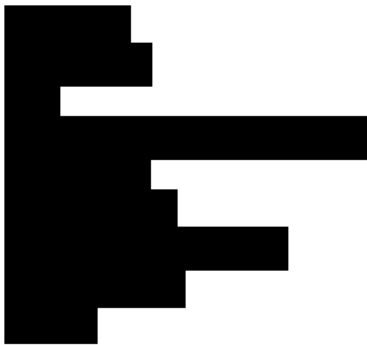
A written request may be faxed or mailed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088 and be labeled as follows:

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:

A large black rectangular redaction box covers the names and contact information of the recipients listed in the 'cc:' field.