

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

IN THE MATTER OF:



Reg. No.: 14-019088
Issue No.: 3002, 5002
Case No.: [REDACTED]
Hearing Date: February 03, 2015
County: GENESEE-DISTRICT 6

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 February 3, 2015, from Lansing, Michigan. Participants on behalf of Claimant included herself. Participants on behalf of the Department of Human Services (Department) included Hearing Facilitator [REDACTED]

ISSUE

Did the Department properly close Claimant's Food Assistance Program on January 1, 2015?

Did the Department properly deny Claimant's November 11, 2014, State Emergency Relief Program 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. Claimant was an ongoing recipient of Food Assistance Program benefits.
2. On November 11, 2014, Claimant submitted a State Emergency Relief Program application. Claimant was sent an SER Verification Checklist (DHS-3503-SER). The checklist requested self-employment verification for Claimant and earned income verification for J. Searcy, a member of the household. The verifications were due on November 21, 2014.
3. On November 11, 2014, Claimant was also sent a Verification Checklist (DHS-3503) for her Food Assistance Program. That checklist requested self-employment verification for Claimant. The verifications was due on November 24, 2014.

4. On November 21, 2014, Claimant submitted incomplete self-employment verification for herself and a statement that Mr. Searcy's employer had the paperwork. Claimant was sent a State Emergency Relief Decision Notice (DHS-1419) which stated her application was denied.
5. On December 16, 2014, verification of Claimant's self-employment income had not been completed. Claimant was sent a Notice of Case Action (DHS-1605) which stated her Food Assistance Program would close on January 1, 2015.
6. On December 26, 2014, Claimant submitted a hearing request about closure of her Food Assistance Program.

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.

During the hearing Claimant testified that she had not submitted another State Emergency Relief Program application and did not follow up on her self-employment income verification.

State Emergency Relief Manual (ERM) 103 Application Procedures (2013) at page 6 requires that SER eligibility must be determined within 10 calendar days of an application. It is also noted that denial of a State Emergency Relief Program application does not prevent submission of another application.

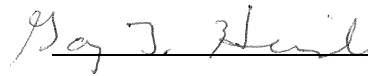
Bridges Administration Manual (BAM) 130 Verification and Collateral Contacts (2014), at page 1, states that verification should be obtained when "information regarding an eligibility factor is unclear, inconsistent, incomplete or contradictory." Claimant's November 11, 2014, SER application was reviewed and shows that Claimant indicated a much larger amount of self-employment income than previously reported. Claimant

testified that she does not make that much but the computer did not allow her to put in the correct amount. Regardless of the reason for the reported increase, the Department was correct to seek verification of Claimant's self-employment income.

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 November 11, 2014, State Emergency Relief Program application and closed her Food Assistance Program on January 1, 2015.

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: **2/12/2015**

Date Mailed: **2/12/2015**

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:

