



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
Christopher Seppanen
Executive Director

MIKE ZIMMER
DIRECTOR

[REDACTED]

Date Mailed: April 26, 2016
MAHS Docket No.: 16-001837
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

Following Petitioner'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; and Mich Admin Code, R 792.11002. After due notice, a benefits hearing was held on March 30, 2016, from Detroit, Michigan. The Petitioner was represented by the Petitioner. The Department of Health and Human Services (Department) was represented by [REDACTED] (Family Independence Manager).

ISSUE

1. Did the Department properly close her Food Assistance Program (FAP) benefits?
2. Did the Department properly deny her application for a State Emergency Relief (SER) to allow her to change residences, and denied her request for car voucher?

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 13, 2015, the Department sent the Petitioner a Verification Checklist (VCL) requesting missing check stubs.
2. On December 8, 2015, Department sent the Petitioner a Notice of Case Action informing her that her FAP benefits were scheduled to close January 1, 2016, for failure to provide documentation of her income.
3. On January 14, 2016, the Department sent the Petitioner an SER decision notice denying her request for relocation funds because she did not provide a court

order/judgment/summons or other documentation providing a legal reason for the relocation.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), Department of Health and Human Services Reference Tables Manual (RFT), and Department of Health and Human Services Emergency Relief Manual (ERM).

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food and Nutrition Act of 2008, 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 Department of Human Services) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

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 Department of Human Services) pursuant to MCL 400.10 and Mich Admin Code, R 400.7001-.7049.

Direct Support Services (DSS) is established by the Social Welfare Act, MCL 400.1-.119b. The program is administered by the Department pursuant to MCL 400.10 and 400.57a and Mich Admin Code R 400.3603.

In this case, the Petitioner wishes to challenge the Department for the denial of her SER relocation application, the closing of her FAP benefits, and the denial of her application for an automobile voucher.

The SER Denial

The Petitioner applied for an SER for relocation. The Petitioner did not provide the documents required for such an SER. Department policy states that the Petitioner must provide documentation of a court ordered eviction, legal notice to vacate a condemned building or other legal reason the Petitioner was forced to leave her present residence.

The Department's decision based on the Petitioner's failure to provide such documentation is a correct one.

The FAP Issue

Documentation provided by the Department shows that the Department denied the Petitioner's FAP benefits because the Department requested the Petitioner provide documentation of her income through check stubs.

The Petitioner failed to provide the requested check stubs in a timely manner; therefore, the Department's decision to close the Petitioner's FAP benefits was correct; and the Petitioner is urged to reapply for FAP benefits.

The Car Voucher Issue

The Petitioner applied for a voucher to pay for a car.

First, the Petitioner should understand that such a voucher is provided to Department offices for use at their discretion. Documentation in this file states that the Petitioner party has a car or cars in her name.

So it is with this knowledge that the Department may use its own discretion about such matters.

The Department's statement that the Petitioner already had cars registered in her name makes the Department's decision to deny the Petitioner's request for a car voucher much easier.

The Petitioner argued at the hearing that the car was only in her name and that she did not "own" the car/cars in question.


Regardless, the undersigned ALJ cannot order the Department to provide Direct Support Services (DSS) when the services in question are within the Department's discretion.

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 closed Petitioner's FAP benefits, denied her SER application for relocation, and refused the Petitioner a car voucher.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED** with respect to the relocation SER, the automobile voucher, and the closure of Petitioner's FAP benefits.

MJB/jaf



Michael J. Bennane
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

NOTICE OF APPEAL: A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration.

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

DHHS

[REDACTED]

Petitioner

[REDACTED]

cc:

[REDACTED]