



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: March 8, 2016
MAHS Docket No.: 16-000833
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Gary Heisler

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 telephone hearing was held on March 2, 2016, from Lansing, Michigan. Petitioner was represented by herself. The Department was represented by Eligibility Specialist [REDACTED] Eligibility Specialist [REDACTED] and Hearing Facilitator [REDACTED]

ISSUE

Did the Department properly deny Petitioner's November 19, 2015 State Emergency Relief (SER) application?

Did the Department properly deny Petitioner's November 20, 2015 State Disability Assistance (SDA) application?

Did the Department properly close Petitioner's Food Assistance Program (FAP) December 31, 2015?

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 (FAP) benefits. Petitioner was due for a Food Assistance Program (FAP) eligibility re-determination by December 31, 2015.

2. On November 2, 2015, Petitioner was sent a Semi-Annual Contact Report (DHS-1046). The report stated the form was due back with any required verifications by December 1, 2015.
3. On November 19, 2015, Petitioner submitted an application for State Emergency Relief (SER) assistance for relocation.
4. On November 20, 2015, Petitioner submitted an application for State Disability Assistance (SDA).
5. On November 20, 2015, Petitioner was sent a State Emergency Relief Decision Notice (DHS-1419) which stated her SER application was denied because the shelter was not affordable.
6. On November 24, 2015, Petitioner was sent a Verification Checklist (DHS-3503) and a Medical Determination Verification Checklist (DHS-3503-MRT). The required forms and verifications were due on December 4, 2015.
7. On December 9, 2015, Petitioner was sent a Notice of Case Action (DHS-1605) which stated her State Disability Assistance (SDA) application was denied for failure to provide required information and verifications.
8. On December 10, 2015, Petitioner was sent a Notice of Potential Food Assistance (FAP) Closure (DHS-1046-A). The form stated that Petitioner's Food Assistance Program (FAP) would close on December 31, 2015.
9. On January 20, 2016, Petitioner submitted a hearing request.

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 Disability Assistance (SDA) program is established by the Social Welfare Act, MCL 400.1-.119b. The Department of Health and Human Services (formerly known as the Department of Human Services) administers the SDA program pursuant to 42 CFR 435, MCL 400.10 and Mich Admin Code, R 400.3151-.3180.

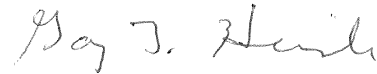
The State Emergency Relief (SER) program is established by the Social Welfare Act, MCL 400.1-.119b. The SER program is administered by the Department (formerly known as the Department of Human Services) pursuant to MCL 400.10 and Mich Admin Code, R 400.7001-.7049.

The explanation section of the hearing request Petitioner submitted stated the reason for hearing request was "because." It is noted that the address Petitioner gave as current, is the same address where all the Department's correspondence was sent. During this hearing Petitioner did not dispute failing to return forms and verifications. She testified that she did not have any income and that she asked the Department for help filling out the papers. When Petitioner was specifically asked when and how she asked for help, she responded she does not remember.

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 Petitioner's November 19, 2015 State Emergency Relief (SER) application; denied Petitioner's November 20, 2015 State Disability Assistance (SDA) application; and closed Petitioner's Food Assistance Program (FAP) December 31, 2015.

DECISION AND ORDER

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



GH/nr

Gary Heisler
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]