



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR



Date Mailed: June 6, 2016
MAHS Docket No.: 16-005810
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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. After due notice, telephone hearing was held on June 01, 2016, from Lansing, Michigan. Participants on behalf of Petitioner included [REDACTED]. [REDACTED] (Assistant Payment Supervisor) represented the Department of Health and Human Services (Department). Witnesses on behalf of the Department included [REDACTED] (Assistance Payments Worker).

ISSUE

Did the Department of Health and Human Services (Department) properly deny the Petitioner's eligibility for cash 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 March 8, 2016, the Department received the Petitioner's application for cash assistance and Food Assistance Program (FAP) benefits.
2. On March 18, 2016, the Department notified the Petitioner that it had denied her State Disability Assistance (SDA) application. Exhibit A, pp 5 – 6.
3. On March 28, 2016, the Department notified the Petitioner that it had denied her Food Assistance Program (FAP) application. Exhibit A, pp 7 – 8.
4. On April 29, 2016, the Department approved the Petitioner for Food Assistance Program (FAP) benefits as of April 2, 2016. Exhibit A, p 4.

5. On April 25, 2016, the Department received the Petitioner's request for a hearing protesting the denial of her State Disability Assistance (SDA) application. Exhibit A, pp 1 – 3.

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 Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Department of Human Services) administers FIP pursuant to 45 CFR 233-260, MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3101-.3131.

To be eligible for FIP, the group must include a dependent child who lives with a legal parent, stepparent or other qualifying caretaker. Department of Health and Human Services Bridges Eligibility Manual (BEM) 210 (January 1, 2016), p 1.

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.

To receive SDA, a person must be disabled, caring for a disabled person, or age 65 or older. Department of Human Services Bridges Eligibility Manual (BEM) 261 (July 1, 2015), p 1.

On March 8, 2016, the Department received the Petitioner's application for cash assistance. No evidence was presented on the record that the Petitioner is the caretaker of a minor child, or that she is disabled, caring for a disabled person, or age 65 or older.

The Petitioner testified that she need assistance until she is able to obtain employment.

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 determined that the Petitioner is not eligible for cash assistance because she does not meet any of the criteria to receive those benefits.

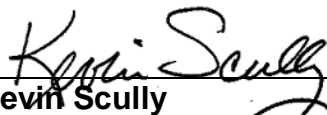
The Petitioner's request for a hearing indicated that she was protesting her eligibility for Food Assistance Program (FAP) benefits, but during the hearing the Petitioner testified

that she was no longer disputing her eligibility for that program. If the Petitioner's FAP benefits are closed, she will have 90 days to request another hearing.

DECISION AND ORDER

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

KS/las



Kevin Scully
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]

[REDACTED]

Petitioner

[REDACTED]