



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: October 4, 2017
MAHS Docket No.: 17-009200
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Zainab A. Baydoun

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; 42 CFR 438.400 to 438.424; 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 September 11, 2017 from Detroit, Michigan. The Petitioner appeared for the hearing and represented himself. The Department of Health and Human Services (Department) was represented by Kathleen Scorpio-Butina, Hearing Facilitator.

ISSUE

Did the Department properly deny Petitioner's application for Family Independence Program (FIP) benefits?

Did the Department properly process Petitioner's application for State Emergency Relief (SER) 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 [REDACTED], 2017 Petitioner submitted an application for FIP benefits and SER assistance with his water bill and electric bill. (Exhibit A, pp. 4-6)
2. On May 24, 2017 the Department sent Petitioner a FAST Mandatory Notice instructing him to complete the Family Automated Screening Tool (FAST) within 30 days and the Family Self-Sufficiency Plan (FSSP) within 90 days of the notice. (Exhibit A, pp. 7-8)

3. Petitioner did not establish that he completed the FAST within 30 days of the FAST Mandatory Notice.
4. On May 25, 2017 the Department sent Petitioner a State Emergency Relief Decision Notice advising him that he was required to make a copayment of \$11.19 towards his \$280.30 request for assistance with his electric bill and provide proof that the payment was made by June 17, 2017, prior to the Department making its approved \$269.11 payment. (Exhibit A, pp. 9-11)
5. The May 25, 2017 SER Decision Notice further advises Petitioner that his request for assistance with his water bill was denied on the basis that his account is not in past due status and he does not have a shutoff notice. (Exhibit A, pp. 9-11)
6. Petitioner did not provide the Department with verification that he made his required \$11.19 copayment by June 17, 2017.
7. On June 28, 2017 the Department sent Petitioner a Notice of Case Action informing him that effective [REDACTED], 2017 his FIP application was denied on the basis that he failed to complete the required FAST within 30 days of the notice. (Exhibit A, pp. 12-14)
8. On July 6, 2017 Petitioner requested a hearing disputing the Department's actions with respect to his FIP and SER cases.

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).

FIP

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.

Additionally, as a condition of FIP eligibility, all work eligible individuals (WEIs) and non-work eligible individuals (non-WEIs) are required to complete the Family Automated Screening Tool (FAST) within 30 days of the notice. BEM 228 (October 2015), pp. 1-2. A participant's failure to complete and submit a FAST within 30 days of the date of the notice date is considered to be a failure to meet eligibility requirements and will result in application denial. BEM 228, p. 21.

In this case, the Department testified that Petitioner's FIP application was denied because he and his wife did not complete the required FAST within 30 days of the May 24, 2017 FAST Mandatory Notice date. The Department notified Petitioner of the application denial by sending him the Notice of Case Action dated June 28, 2017. At the hearing, Petitioner testified that he completed the FAST online but could not recall the date of completion. The evidence suggested that Petitioner may have reapplied for FIP benefits after submitting his request for hearing, as he presented verification that either a FAST or Family Self-Sufficiency Plan (FSSP) was completed on or around July 10, 2017. (Exhibit 1). However, Petitioner failed to establish that he timely completed the FAST within 30 days of the FAST Mandatory Notice.

As such, 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 FIP application. Petitioner is informed that he is entitled to submit a new application for FIP benefits and have his eligibility determined.

SER

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.

SER Assistance with Energy Services (Electric)

Eligible households who meet all SER eligibility requirements may receive assistance to help them with heat and electricity costs under the energy services program. ERM 301 (February 2017), p. 1. When the group's heat or electric service for their current residence is in past due status, in threat of shutoff or is already shut off and must be restored, payment may be authorized to the enrolled provider. The amount of the payment is the minimum necessary to prevent shutoff or restore service, not to exceed the fiscal year cap. ERM 301, pp.1-2.

Prior to authorizing the department's portion of the cost of services, verification that the copayment, shortfall or contribution has been paid by the client is needed. ERM 301, pp. 4-5,11. The total copayment is the amount the SER group must pay toward their emergency. ERM 208 (February 2017), pp. 1-2. Copayment amounts are deducted from the cost of resolving the emergency. ERM 208, pp. 1-2. Department policy provides that if the SER group meets all eligibility criteria but has an income or asset copayment, shortfall, and/or contribution, verification that the payment was made by the client must be received in the local office within the 30-day eligibility period or no SER payment will be made and the client must reapply. The Department will use the DHS-1419, Decision Notice, to inform the SER group of the amount they must pay and the due date for returning proof of their payment. ERM 301; ERM 103 (February 2017), p. 1-4; ERM 401 (February 2017), pp. 1-2.

In this case, the Department testified that because Petitioner did not provide proof that he made his \$11.19 copayment by the June 17, 2017 due date reflected on the SER Decision Notice, the Department did not make its approved \$269.11 payment towards his request for SER assistance with his electric bill. At the hearing, Petitioner confirmed that he did not dispute the calculation of the copayment. Rather, Petitioner maintained that he did not receive the May 25, 2017 SER Decision Notice which is why he did not make his copayment. Petitioner confirmed that the address where the SER Decision Notice was sent was his correct mailing address and while he asserted that he had problems with receiving mail, Petitioner confirmed that he did not notify the Department of any such mail issues. Thus, Petitioner has failed to establish that he did not receive the properly addressed SER Decision Notice. Therefore, because Petitioner did not make his required copayment by the due date, the Department properly did not make its approved payment and subsequently denied the SER application.

SER Assistance with Utility Services (Water)

SER helps to restore or prevent shut off of a utility service when service is necessary to prevent serious harm to SER group members. The Department can award payments toward water or sewage up to the fiscal year cap if it will resolve the emergency. ERM 302 (October 2013), p. 1. Verification of actual or possible shutoff of water service is required and can be obtained through: a disconnect notice from the utility; information from the utility provider's secure website; or an overdue or delinquency notice when the water or sewer is not disconnected but the arrearage is added to the local tax. ERM 302, p.4.

In this case, the Department testified that Petitioner's request for SER assistance with his water bill was denied because he did not have a shutoff notice. The Department testified that its policy provides that verification of actual or possible shutoff can be obtained through information from the utility provider's website. There was no evidence presented that Petitioner submitted verification of his actual or possible shutoff of water service with the application or at any point after submitting the application. Additionally, while Petitioner testified that his account was in shut off status, Petitioner did not present any documentation in support of his statements during the hearing.

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 request for SER assistance with water services.

Additionally, Petitioner testified that after submitting his request for hearing, he obtained assistance from his brother and subsequently paid the past due amounts towards his electric and water bills, thereby resolving his emergency.

DECISION AND ORDER

Accordingly, the Department's FIP and SER decisions are **AFFIRMED**.



ZB/tlf

Zainab A. Baydoun
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

Via Email:

MDHHS-Macomb-20-Hearings
BSC4 Hearing Decisions
D. Shaw
B. Cabanaw
MAHS

Petitioner Via First-Class Mail:

