



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

[REDACTED] MI [REDACTED]

Date Mailed: August 30, 2018
MAHS Docket No.: 18-006612
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 August 9, 2018, from Lansing, Michigan. Petitioner was represented by himself. The Department of Health and Human Services (Department) was represented by Teresa Farrington, Financial Independence Manager. Ton-Yae Bates, Eligibility Specialist, appeared and testified for the Department. Department Exhibit 1, pp. 1-100 was received and admitted.

ISSUE

Did the Department properly determine Petitioner's State Disability Assistance (SDA) benefits?

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 June 22, 2018, Notice of Case Action was sent to Petitioner informing him that he was approved for SDA from December 1, 2017 through ongoing. (Exhibit 1, pp. 95-97)
2. On June 26, 2018, Petitioner requested a hearing contesting the amount of SDA he received. (Exhibit 1, p. 2)

3. Petitioner received FIP benefits as a member of his wife's household from June 16, 2017, through November 30, 2017. (Exhibit 1, p. 58)
4. Petitioner received FIP benefits on his own case from February 1, 2017, until May 31, 2017. (Exhibit 1, p. 30)

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.

Cash Assistance Benefits

Family Independence Program (FIP), Refugee Assistance Program Cash (RCA) and State Disability Assistance (SDA) Only

A recipient of cash assistance from another state is **not** eligible for FIP, RCA or SDA in Michigan for the **same** month.

A recipient of FIP in Michigan is not eligible for SDA or RCA for the same month.

A recipient of SDA in Michigan is not eligible for FIP or RCA for the same month. BEM 222

In this case, Petitioner received FIP either on his own case or on his wife's case for the time periods from February 1, 2017, through May 31, 2017; and June 16, 2017, through November 30, 2017. Petitioner was not eligible for SDA during those time periods. BEM 222 Petitioner testified that he was not living with his wife during the time period in question but acknowledged staying there from time to time. Petitioner had a duty to report within 10 days to the Department if his residency changed. Petitioner presented insufficient proof that he timely reported that he was no longer residing with his wife during the time period in question. Therefore, the Department's decision to not award SDA benefits during the time period when he received FIP either on his own case or on his wife's case, was proper and correct.

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 Petitioner's SDA benefits.

DECISION AND ORDER

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

AM/bb



Aaron McClintic

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) 763-0155; 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

Lynne Greening
2700 Baker Street
PO Box 4290
Muskegon Heights, MI 49444

Muskegon County, DHHS

BSC3 via electronic mail

L. Karadsheh via electronic mail

Petitioner

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