



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
MI [REDACTED]

Date Mailed: December 6, 2018
MAHS Docket No.: 18-011197
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, a telephone hearing was held on November 29, 2018, from Lansing, Michigan. Petitioner represented herself. The Department of Health and Human Services was represented by Territa Rivers.

ISSUES

Did the Department of Health and Human Services (Department) properly deny Petitioner's State Emergency Relief (SER) application?

Did the Department of Health and Human Services (Department) properly deny Petitioner's Family Independence Program (FIP) application?

Did the Department of Health and Human Services (Department) properly determine Petitioner's eligibility for Food Assistance Program (FAP) benefits as a group of one?

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 February 24, 2012, the Department determined that Petitioner had been non-cooperative with efforts of the Office of Child Support to identify and locate the absent parent of her child. Exhibit A, p 33.
2. On May 23, 2018, the Department received Petitioner's application for the Food Assistance Program (FAP), Family Independence Program (FIP), Medical

- Assistance (MA), and State Emergency Relief (SER) benefits as a household of one. Exhibit A, pp 1-12.
3. Petitioner reported to the Department on her May 23, 2018, that she was living at [REDACTED], in shared housing. Exhibit A, p 2.
 4. On May 23, 2018, the Department notified Petitioner that State Emergency Relief (SER) benefits had been denied. Exhibit A, pp 13-14.
 5. On August 14, 2018, the Department received Petitioner's application for Food Assistance Program (FAP) benefits as a household of two. Exhibit A, pp 15-20.
 6. On August 14, 2018, the Department notified Petitioner that she was approved for Food Assistance Program (FAP) benefits as a group of one effective August 14, 2018. Exhibit A, pp 29-31.
 7. On August 14, 2018, the Department sent Petitioner a Verification Checklist (DHS-3503) requesting verification that Petitioner had cooperated with the Office of Child Support's efforts to identify and locate the absent parent of her child. Exhibit A, p 32.
 8. On October 8, 2018, the Department received Petitioner's application for Food Assistance Program (FAP) benefits as a household of two. Exhibit A, pp 22-26.
 9. On October 12, 2018, the Department received verification that Petitioner's child was attending school and was living with Petitioner. Exhibit A, p 27.
 10. On [REDACTED] the Department received Petitioner's request for a hearing.

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.

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.

Group composition is the determination of which individuals living together are included in the FIP eligibility determination group/program group and the FIP certified group. 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 (April 1, 2017), p 1.

On May 23, 2018, the Department received Petitioner's application for cash assistance. Petitioner applied for benefits as a group of one and she did not claim to be disabled. Therefore, Petitioner was not eligible for any cash assistance because she was not disabled and did not have a minor child in her home. Petitioner's November 29, 2018, hearing request appears to be untimely with respect to the denial of the May 23, 2018, application but she was not eligible for those benefits even if her hearing request was timely.

On May 23, 2018, the Department received Petitioner's application for SER benefits seeking assistance with housing. Petitioner had reported to the Department on her May 23, 2018, application form that she was living at [REDACTED], in shared housing. On May 23, 2018, the Department denied the SER application because Petitioner had failed to establish that she was homeless or at risk of homelessness.

Petitioner argues that she was homeless and that the Department could have discovered this by asking her more questions about her circumstances.

However, it is Petitioner's duty to establish that she is eligible for benefits and she had a duty to report any circumstances to the Department that affect her eligibility for benefits. Therefore, the Department established that it denied SER benefits based on the information available at that time.

Families are strengthened when children's needs are met. Parents have a responsibility to meet their children's needs by providing support and/or cooperating with the department, including the Office of Child Support (OCS), the Friend of the Court (FOC) and the prosecuting attorney to establish paternity and/or obtain support from an absent parent. The custodial parent or alternative caretaker of children must comply with all requests for action or information needed to establish paternity and/or obtain child support on behalf of children for whom they receive assistance, unless a claim of good cause for not cooperating has been granted or is pending. Failure to cooperate without good cause results in disqualification. Disqualification includes member removal, as well as denial or closure of program benefits. Department of Human Services Bridges Eligibility Manual (BEM) 255 (April 1, 2015), pp 1-2.

At application, client has 10 days to cooperate with the OCS. Bridges informs the client to contact the OCS in the verification check list (VCL). The disqualification is imposed if client fails to cooperate on or before the VCL due date when all of the following are true:

- There is a begin date of non-cooperation in the absent parent logical unit of work.
- There is not a subsequent comply date.
- Support/paternity action is still a factor in the child's eligibility.
- Good cause has not been granted nor is a claim pending; see Good Cause For Not Cooperating in this item.

BEM 255, p 12.

On August 14, 2018, the Department approved Petitioner for FAP benefits as a group of one. Petitioner argues that she should have been approved as a group of two and that the Department improperly included her child in her mother's FAP benefit group.

Petitioner applied for FAP benefits as a household of two on August 14, 2018. Petitioner has been considered to be non-cooperative with the Office of Child Support since February 24, 2012. Upon receiving her application for FAP benefits, the Department sent Petitioner a Verification Checklist (DHS-3503) instructing her to contact the Office of Child Support as directed by BEM 255. Petitioner did not claim good cause and did not comply with the Department's requests within 10 days. Therefore, Petitioner remained to be disqualified from FAP and the Department was acting in accordance with policy when it approved her for FAP as a group of one.

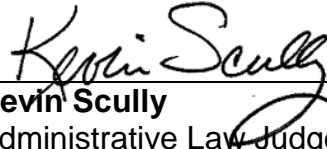
Further, Petitioner was also not eligible for FIP benefits on August 14, 2018, even with a minor child in her household due to her non-cooperation with the Office of Child Support.

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 State Emergency Relief (SER) assistance. The Department acted in accordance with Department policy when it denied Petitioner's application for cash assistance and Family Independence Program (FIP) benefits. The Department acted in accordance with Department policy when it approved Petitioner for Food Assistance Program (FAP) as a group of one.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/hb



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) 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

Dora Allen
14061 Lappin
Detroit, MI 48205

Wayne County (District 76), DHHS

BSC4 via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

T. Bair via electronic mail

E. Holzhausen via electronic mail

B. Cabanaw via electronic mail

Petitioner

[REDACTED]
[REDACTED]
[REDACTED] MI [REDACTED]