



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

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Date Mailed: April 30, 2019
MOAHR Docket No.: 19-003052
Agency No.: ██████████
Petitioner: ██████████

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 April 24, 2019, from Lansing, Michigan. Petitioner was represented by herself. The Department was represented by Michelle Morley.

ISSUE

Did the Department of Health and Human Services (Department) properly deny Petitioner's application for Food Assistance Program (FAP), State Emergency Relief (SER), and 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 November 27, 2018, the Department notified Petitioner that her daughter is subject to Time Limited Food Assistance (TLFA) requirements. Exhibit A, pp 42-43.
2. On ██████████ ██████████ 2019, the Department received Petitioner's application for State Emergency Relief (SER) assistance. Exhibit A, pp 1-7.
3. On February 20, 2019, the Department sent Petitioner an Appointment Notice (DHS-170) scheduling a telephone interview for February 27, 2019. Exhibit A, p 8.

4. On [REDACTED] [REDACTED] 2019, the Department received Petitioner's application for State Disability Assistance (SDA) benefits. Exhibit A, pp 9-15.
5. On February 21, 2019, the Department sent Petitioner an Appointment Notice (DHS-170) scheduling an in-person eligibility interview for March 1, 2019. Exhibit A, p 16.
6. On March 1, 2019, the Department notified Petitioner that she was not eligible for State Disability Assistance (SDA) benefits as of March 16, 2019. Exhibit A, pp 24-27.
7. On March 1, 2019, the Department notified Petitioner that she was not eligible for State Emergency Relief (SER) assistance. Exhibit A, pp 21-22.
8. Department records indicate that on March 1, 2019, Petitioner was contacted by telephone about the denial of State Disability Assistance (SDA) benefits, and Petitioner declined a telephone interview for State Emergency Relief (SER) benefits, indicating that she would file another application. Exhibit A, p 20.
9. On [REDACTED] [REDACTED] 2019, the Department received Petitioner's application for cash assistance as a household of five including a daughter born on February 14, 2000. Exhibit A, pp 28-34.
10. On March 5, 2019, the Department sent Petitioner an Appointment Notice (DHS-170) scheduling a telephone interview for March 12, 2019. Exhibit A, p 35.
11. On March 12, 2019, the Department sent Petitioner an Appointment Notice (DHS-170) scheduling an in-person appointment for March 18, 2019. Exhibit A, pp 36-37.
12. On March 22, 2019, the Department notified Petitioner that she was not eligible for State Disability Assistance (SDA) benefits effective April 1, 2019. Exhibit A, pp 36-41.
13. On March 4, 2019, the Department received Petitioner's request for a hearing. Exhibit A, p 55-56.

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 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 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 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.

All SER applications require an interview with an adult member of the SER group of the authorized representative. Department of Health and Human Services Emergency Relief Manual (ERM) 103 (March 1, 2019), p 5.

An in-person interview must be conducted before SDA benefits can be approved. Department of Health and Human Services Bridges Administrative Manual (BAM) 115 (April 1, 2019), p 22.

On [REDACTED] [REDACTED] 2019, the Department received Petitioner's SER application and a telephone interview was scheduled for February 27, 2019. On [REDACTED] [REDACTED] 2019, the Department received Petitioner's application for SDA benefits, and an in-person interview was scheduled for March 1, 2019.

The evidence supports a finding that Petitioner did not attend the in-person interview scheduled for March 1, 2019. Petitioner was contacted by telephone on March 1, 2019, and there is some dispute as to what was discussed during that telephone conversation.

However, the evidence supports a finding that a telephone interview did not take place on March 1, 2019, and the interview was not rescheduled.

On March 1, 2019, the Department notified Petitioner that she was not eligible for SER or SDA benefits.

On [REDACTED] [REDACTED] 2019, the Department received Petitioner's application for SDA benefits and interviews were scheduled for March 12, 2019, and March 18, 2019. On March 22, 2019, the Department notified Petitioner that she was not eligible for SDA benefits.

Petitioner bears the burden of establishing eligibility for SDA and/or SER benefits. Petitioner has failed to offer evidence that she participated in any type of interview, either in-person or by telephone. Petitioner failed to establish good cause for her failure to participate in the interview that she was given written notice of. Petitioner failed to

establish that she attempted to reschedule any of the scheduled interviews that she failed to participate in. Therefore, the Department was acting in accordance with policy when it denied SER and SDA benefits.

On November 27, 2018, the Department notified Petitioner that her daughter is subject to Time Limited Food Assistance (TLFA) requirements.

All FAP individuals age 18 through 49 are subject to TLFA requirements unless they are deferred. Department of Health and Human Services Bridges Eligibility Manual (BEM) 620 (January 1, 2019), p 2.

A person may be deferred from TLFA requirements for one the following reasons:

- A member of a FAP group that includes a FAP group member under age 18, even if the individual under age 18 is disqualified or otherwise not eligible; see BEM 212.
- In any stage of pregnancy.
- Determined to be medically certified as physically or mentally unfit for employment:
- Participating in a Michigan Rehabilitation Services program.
- Obviously mentally or physically unfit for employment, as determined by the worker.
- Deferred from employment related activities per BEM 230B.
- A victim of domestic violence.
- Chronically homeless.

BEM 620, pp 2-3.

Clients may be temporarily deferred from employment related activities per BEM 230B based on age, care of a child, care of a disabled individual, disability, enrollment in a post-secondary education program, employment, SSI applicant, substance abuse treatment, or unemployment compensation applicant. Department of Health and Human Services Bridges Eligibility Manual (BEM) 230B (January 1, 2018), pp 1-6.

Based on the evidence and testimony available during the hearing, Petitioner has failed to establish that her daughter should be deferred from TLFA requirements.

Petitioner argued that her daughter is being discriminated against as a home-schooled student.

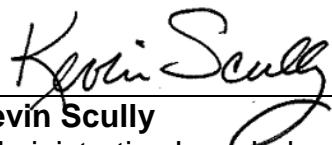
However, Petitioner failed to establish that her daughter, a ■-year-old working towards the completion of a high-school degree, is entitled to a deferral from TLFA requirements, and there would be no entitlement to a deferral if she was enrolled in some other form of school program.

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 was acting in accordance when it denied Petitioner's applications for State Emergency Relief (SER) and State Disability Assistance (SDA) benefits for failure to complete the application process. The Department was acting in accordance with policy when it determined that Petitioner's daughter is subject to Time Limited Food Assistance (TLFA) requirements.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/dh



Kevin Scully
Administrative Law Judge
for Robert Gordon, 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 Office of Administrative Hearings and Rules (MOAHR).

A party may request a rehearing or reconsideration of this Order if the request is received by MOAHR 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. MOAHR will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Office of Administrative Hearings and Rules
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

DHHS

Sheila Crittenden
10641 W. Watergate Rd.
Cadillac, MI 49601

Wexford County, DHHS

BSC1 via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

T. Bair via electronic mail

M. Holzhausen via electronic mail

L. Karadsheh via electronic mail

Petitioner

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