



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
SUZANNE SONNEBORN
EXECUTIVE DIRECTOR

MARLON I. BROWN, DPA
ACTING DIRECTOR

[REDACTED], MI [REDACTED]

Date Mailed: September 19, 2023
MOAHR Docket No.: 23-004750
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 September 14, 2023, from Lansing, Michigan. Petitioner represented himself. The Department was represented by Meshawn Coleman.

ISSUE

Did the Department of Health and Human Services (Department) properly deny 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. Department records indicate that Petitioner has received 61 months of federally funded cash assistance. Exhibit A, p 7.
2. On March 1, 2023, the Department notified Petitioner that he was not eligible for cash assistance effective March 1, 2023. Exhibit A, p 8.
3. On July 13, 2023, the Department received Petitioner's application for Food Assistance Program (FAP) benefits, State Emergency Relief (SER) assistance, and cash assistance. Exhibit A, pp 13-28.
4. On July 27, 2023, the Department sent Petitioner a Medical Needs form with an August 7, 2023, due date.

5. On August 18, 2023, the Department notified Petitioner that he was not eligible for cash assistance. Exhibit A, p 29.
6. On August 10, 2023, the Department received Petitioner's request for a hearing protesting the denial of cash assistance. Exhibit A, pp 3-5.

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 through 679c. The Department administers FIP pursuant to 45 CFR 233 through 261, MCL 400.10, the Social Welfare Act, MCL 400.1 *et seq.*, and Mich Admin Code, R 400.3101 through R 400.3131.

The State Disability Assistance (SDA) program is established by the Social Welfare Act, MCL 400.1 *et seq.* The Department administers the SDA program pursuant to 42 CFR 435, MCL 400.10 of the Social Welfare Act, MCL 4001. *et seq.*, and Mich Admin Code, R 400.3151 through 400.3180.

Clients must cooperate with the local office in determining initial and ongoing eligibility and this includes the completion of necessary forms. Department of Human Services Bridges Assistance Manual (BAM) 105 (July 1, 2023), p 9.

Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level when it is required by policy, required as a local office option, or information regarding an eligibility factor is unclear, inconsistent, incomplete, or contradictory. The Department uses documents, collateral contacts, or home calls to verify information. A collateral contact is a direct contact with a person, organization, or agency to verify information from the client. When documentation is not available, or clarification is needed, collateral contact may be necessary. Department of Human Services Bridges Assistance Manual (BAM) 130 (January 1, 2023), pp 1-10.

A family is ineligible when a mandatory member of the FIP group reaches the 60 TANF-funded month federal time limit. Department of Health and Human Services Bridges Eligibility Manual (BEM) 234 (July 1, 2013), p 2.

Petitioner was an ongoing recipient of cash assistance until March 1, 2023, when the Department closed those benefits because he had exceeded the 60-month lifetime limit. On July 13, 2023, Petitioner reapplied for cash assistance reporting to the Department

that he is disabled, which makes him potentially eligible for state-funded cash assistance. On July 27, 2023, the Department requested that he provide verification of his disabilities by August 7, 2023. When the Department did not receive the requested verification documents in a timely manner, the Department notified Petitioner on August 18, 2023, that his application for cash assistance had been denied.

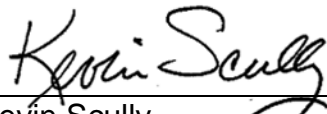
Petitioner testified that he did not receive the request for verification of disability, but he failed to offer any evidence of its non-receipt. It is presumed that Petitioner received the request for verification of his disabilities and Petitioner failed to rebut the presumption that he received the Department's request.

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 application for cash assistance.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/nr



Kevin Scully
Administrative Law Judge
Michigan Office of Administrative Hearings
and Rules (MOAHR)

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

Via-Electronic Mail :

DHHS

Chelsea McCune
Macomb County DHHS Warren Dist.
13041 E 10 Mile
Warren, MI 48089

**MDHHS-Macomb-20-
Hearings@michigan.gov**

Interested Parties

Macomb 20 County DHHS
BSC4
B. Sanborn
MOAHR

Via-First Class Mail :

Petitioner

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