



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

MARLON I. BROWN, DPA
DIRECTOR

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[REDACTED]
[REDACTED]

Date Mailed: March 1, 2024
MOAHR Docket No.: 23-008812
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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 February 1, 2024, from Lansing, Michigan. [REDACTED] [REDACTED] the Petitioner, appeared on her own behalf. The Department of Health and Human Services (Department) was represented by Amy Miller, Eligibility Specialist (ES). Lacey Whitford, Supervisor, was present for a portion of the hearing when the ES was experiencing difficulties connecting to the conference line.

During the hearing proceeding, the Department's Hearing Summary packet was admitted as Exhibit A, pp. 1-46.

ISSUE

Did the Department properly determine Petitioner's eligibility for Food Assistance Program (FAP), Medical Assistance (MA), Cash Assistance, and State Emergency Relief (SER)?

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 [REDACTED] 2023, Petitioner applied for FAP. Petitioner reported that she was the only household member and did not indicate she was a refugee. (Exhibit A, pp. 40-46)
2. On November [REDACTED] 2023, a Notice of Case Action was issued to Petitioner approving FAP for a household size of one effective December 1, 2023. (Exhibit A, pp. 18-25)

3. On November █ 2023, Petitioner applied for Cash Assistance and State Emergency Relief (SER). Petitioner reported that she was the only household member and did not indicate she was a refugee. (Exhibit A, pp. 31-37)
4. On November █ 2023, a State Emergency Relief Decision Notice was issued to Petitioner approving the request for heat assistance in the amount of \$█ and denying the request for moving expenses (\$█ and non-heat electricity (\$█ because the shelter was not affordable and Petitioner did not have a past due or shutoff notice. (Exhibit A, pp. 13-17)
5. On November █ 2023, Petitioner submitted copies of bills for T-Mobile, DTE, and Consumers Energy, as well as lease pricing for her apartment. (Exhibit A, pp. 26-30)
6. On November █ 2023, a Notice of Case Action was issued to Petitioner stating cash assistance was denied because Petitioner was not a dependent child or a caretaker/relative of a child, not pregnant, not aged or disabled, not a refugee, or does not have a qualifying relationship to other household members. (Exhibit A, pp. 9-12)
7. Petitioner was also approved for MA through the Healthy Michigan Program category (MA-HMP). (Exhibit A, p. 1)
8. On December 2, 2023, Petitioner filed a hearing request contesting the Department's determination. (Exhibit A, pp. 3-7)

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 Medical Assistance (MA) program is established by Title XIX of the Social Security Act, 42 USC 1396-1396w-5; 42 USC 1315; the Affordable Care Act of 2010, the collective term for the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152; and 42 CFR 430.10-.25. The Department (formerly known as the Department of Human Services) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

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 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 Healthy Michigan Plan (HMP) provides health care coverage for individuals who: are 19-64 years of age; do not qualify for or are not enrolled in Medicare; do not qualify for or are not enrolled in other Medicaid programs; are not pregnant at the time of application; meet Michigan residency requirements; meet Medicaid citizenship requirements; and have income at or below 133 percent Federal Poverty Level (FPL). BEM 137, June 1, 2020, p. 1.

The Family Independence Program (FIP), Refugee Cash Assistance (RCA) and State Disability Assistance (SDA) are cash assistance programs designed to help individuals and families become self-sufficient. When an individual applies for cash assistance, Bridges determines group composition and builds an eligibility determination group (EDG) for these programs in the following order: FIP, RCA and SDA. Cash assistance is available to eligibility determination groups who meet all of the non-financial and financial requirements that are needed to determine eligibility and calculate benefit amounts. BEM 209, January 1, 2022, p. 1.

To be eligible for FIP, the group must include a dependent child who lives with a legal parent, stepparent, or other qualifying caretaker. BEM 210, July 1, 2021, p. 1.

To be considered for RCA, an individual must be a refugee as defined in the REFUGEES section in BEM 630 or 225A. BEM 215, July 1, 2013, p. 1.

SDA is a cash program for individuals who are not eligible for FIP and are disabled or the caretaker of a disabled person. An SDA eligibility determination group (EDG) consists of either a single adult or adult and spouses living together. See BEM 261 for disability criteria. BEM 214, April 1, 2019, p. 1.

For FIP, SDA, and disability related MA, as a condition of eligibility individuals must apply for any state and/or federal benefits for which they may be eligible. This includes applying for disability benefits through the Social Security Administration (SSA). For FIP, SDA, and RCA, refusal of a program group member to pursue a potential benefit results in group ineligibility. BEM 270, July 1, 2020, pp. 1-3. For FIP, SDA, RCA, and disability related MA, verification must be obtained from SSA that an application or appeal is on file before the case is referred to the Disability Determination Services (DDS). BEM 270, July 1, 2020, p. 6.

Housing affordability is a condition of eligibility for SER for relocation services. The Department can only authorize SER for services if the SER group has sufficient income to meet ongoing housing expenses. An SER group that cannot afford to pay their ongoing housing costs plus any utility obligations will not be able to retain their housing, even if SER is authorized. The Department is to deny SER if the group does not have sufficient income to meet their total housing obligation. The total housing obligation cannot exceed 75 percent of the group's total net countable income. ERM 207, October 1, 2020, p. 1.

SER relocation services include any combination of the following: moving expenses (to relocate household effects); security deposit (if required); first month's rent; and rent arrearage. ERM 303, October 1, 2022, p. 1.

Covered SER energy services include heating, electric, and deliverable fuels. The Department must verify past due status, threatened shutoff or the need for reconnection of electricity, by using the online portal or contacting the energy company. The Department can accept the group's statement as verification of need for deliverable fuels, wood and other non-metered heating sources. ERM 301, December 1, 2023, pp. 3 and 11. If the total service balance is less than \$425.00 and there is still at least \$425.00 available in their fiscal year CAP, enter \$425.00 in the requested amount on the SER Service Request page and process. This will result in a credit balance. If the remaining balance in the cap is less than \$425.00, use the remaining balance in the fiscal year cap, this may result in a credit to the energy account. ERM 301, December 1, 2023, p. 4.

For SER energy services, the requested amount must match the amount on the past due or shut off notice/bill, or the declared amount needed for a deliverable fuel. If there is a discrepancy in the amount needed to resolve the emergency, there must be documentation in the case record. ERM 301, December 1, 2023, p. 8.

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. ERM 301, December 1, 2023, pp. 3-4.

In this case, Petitioner was approved for FAP and MA benefits. Petitioner did not identify any hearable issues regarding the approval determinations for FAP or MA-HMP benefits.

Petitioner applied for cash assistance and the Department indicated she was denied based on not agreeing to apply for SSA disability benefits and having no minor children. (Exhibit A, p. 1). On November [REDACTED] 2023, a Notice of Case Action was issued to Petitioner

stating cash assistance was denied because Petitioner was not a dependent child or a caretaker/relative of a child, not pregnant, not aged or disabled, not a refugee, or does not have a qualifying relationship to other household members. (Exhibit A, pp. 9-12). On both assistance applications, Petitioner reported she was the only household member and did not indicate she was a refugee. (Exhibit A, pp. 31-37 and 40-46). Accordingly, Petitioner could only be considered for cash assistance through the SDA program. For the SDA program, pursuit of potential benefits, including SSA disability benefits is required. As indicated in the BEM 270 policy, verification must be obtained from SSA that an application or appeal is on file before the case is referred to the DDS. On the assistance application for Cash, Petitioner did not indicate that she had, or that she intended to apply for benefits through SSA. (Exhibit A, pp. 31-37). The Department indicated Petitioner did not agree to apply for SSA disability benefits at the time the cash assistance application was processed. (Exhibit A, p. 1). Further, Petitioner testified that she applied for SSA benefits on January [REDACTED] 2024. (Petitioner Testimony). Accordingly, Petitioner was not eligible for SDA at the time of the November [REDACTED] 2023 cash assistance determination as the available evidence indicates she did not agree to apply for SSA disability benefits at that time.

Similarly, Petitioner would not have been eligible for disability related MA benefits when she was not agreeing to apply for SSA disability benefits pursuant to the BEM 270 policy.

Petitioner requested SER in the amount of \$ [REDACTED] for moving expenses. (Exhibit A, p. 33). It appears this would relate to the documentation Petitioner provided for her lease renewal. (Exhibit A, pp. 28 and 30). The above cited ERM 207 and 303 policies would not allow for SER to pay for Petitioner's rent for the upcoming year. Further, this request would indicate that Petitioner cannot afford her ongoing housing obligation. Accordingly, the denial of the request for \$ [REDACTED] for moving expenses was appropriate.

Petitioner also requested SER in the amount of \$ [REDACTED] for electricity and reported that she received a past due or shut off notice. (Exhibit A, p. 33). However, the Consumers bill for October 13-2023 to November 12, 2023 was for \$ [REDACTED] and does not indicate a past due amount or shut off notice. (Exhibit A, p. 29). The Department indicated this request was denied because there was no past due or shut off notice. (Exhibit A, pp. 1 and 5). Pursuant to the ERM 301 policy, the Department must verify past due status or threatened shutoff. Therefore, Petitioner's request for SER for electricity could not be approved.

Regarding the SER approval for heat, Petitioner's statements indicate she disagreed with the Department issuing the \$ [REDACTED] payment to the gas company. (Petitioner Testimony). However, the above cited ERM 301 policy indicates that payment is to be made to the enrolled heating, electric, or deliverable fuel provider. Further, even when the total service balance is less than \$ [REDACTED] if there is still at least \$ [REDACTED] available in their fiscal year CAP, the Department is to enter \$ [REDACTED] in the requested amount on the SER Service Request page and process. This will result in a credit balance. If the remaining balance in the cap is less than \$ [REDACTED] use the remaining balance in the fiscal year cap, this may result in a credit to the energy account.

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 eligibility for FAP, MA, Cash Assistance, and SER.

DECISION AND ORDER

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

CL/dm



Colleen Lack
Administrative Law Judge

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
Lacey Whitford
Isabella County DHHS
**MDHHS-Isabella-
Hearings@michigan.gov**

KaradshehL

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MOAHR

Via-First Class Mail :

Petitioner

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