



**Date Mailed:** July 3, 2025

**Docket No.:** 25-021530

**Case No.:** [REDACTED]

**Petitioner:** [REDACTED]

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এটি একটি গুরুত্বপূর্ণ আইনি ডকুমেন্ট। দয়া করে কেউ দস্তাবেজ অনুবাদ করুন।

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Ky është një dokument ligjor i rëndësishëm. Ju lutem, kini dikë ta përktheni dokumentin.

[REDACTED] MI [REDACTED]

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**Petitioner:** [REDACTED]

### **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; and Mich Admin Code, R 792.11002. After due notice, a hearing was held via telephone conference on June 30, 2025. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS or Department) was represented by Raquisha Hall, Eligibility Specialist.

### **ISSUE**

Did the Department properly deny Petitioner's application for Food Assistance Program (FAP) benefits, State Emergency Relief (SER), and 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. On [REDACTED] 2025, Petitioner applied for FAP, SER for moving expenses, and cash assistance on the basis of disability. Petitioner is a household size of one. Petitioner reported that she has a disability (Exhibit A, pp. 11-18).
2. On April 22, 2025, MDHHS issued a Verification Checklist (VCL), requesting that Petitioner submit verification of sick and accident insurance to MDHHS by May 2, 2025 (Exhibit A, pp. 27-28).
3. On April 22, 2025, MDHHS issued a SER VCL, requesting that Petitioner submit verification of the required payments she makes for shelter, verification of need for SER relocation, and verification of sick and accident insurance to MDHHS by April 29, 2025 (Exhibit A, pp. 29-30).
4. On April 28, 2025, Petitioner was interviewed by MDHHS as part of the application process. Petitioner reported that she is currently living with a friend, but it is temporary. She does not have an eviction notice and is not homeless. Petitioner

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reported that she was employed at Chrysler (Employer) but suffered a work injury and is now physically and mentally disabled and unable to work. Petitioner reported that she receives \$ [REDACTED] per month in short-term disability (Exhibit A, pp. 19-25).

5. On April 28, 2025, MDHHS issued a Notice of Case Action to Petitioner, informing her that her cash assistance application was denied as Petitioner is not a caretaker of a child, not a refugee, and is not aged or disabled (Exhibit A, pp. 31-34).
6. On April 28, 2025, MDHHS issued a SER Decision Notice to Petitioner, informing her that her SER application for moving expenses was denied as Petitioner does not have a court-ordered eviction notice (Exhibit A, pp. 35-37).
7. On May 1, 2025, MDHHS received an Affidavit of [REDACTED] from Petitioner in which she swears under penalty of perjury that she does not receive income but rather has trust disbursements (Exhibit a, p. 9).
8. On May 19, 2025, MDHHS issued a Notice of Case Action to Petitioner, informing her that her FAP application was denied due to Petitioner's failure to return verification of unearned income and that her household income is in excess of the gross income limit (Exhibit A, pp. 38-42).
9. On May 30, 2025, MDHHS received Petitioner's timely submitted hearing request to dispute the denial of her application (Exhibit A, pp. 4-10).

### **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).

In this case, Petitioner applied for FAP benefits, cash assistance on the basis of disability, and SER for moving expenses. MDHHS denied Petitioner's application for all programs. Petitioner disputes this denial.

#### **Food Assistance Program (FAP)**

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

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MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

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MDHHS denied Petitioner's FAP application due to excess gross income and failure to return verification of unearned income. MDHHS determines a client's eligibility for program benefits based on the client's actual income and/or prospective income. All FAP groups which do not contain a Senior, Disabled, or Disabled Veteran (S/D/V) group member, such as Petitioner's, must have income below the Gross Income Limit and the Net Income Limit. BEM 550 (April 2025), p. 1. The gross income for a group size of one is \$1,632.00. The net income for a group size of one is \$1,255.00. RFT 250 (October 2024), p. 1. On April 28, 2025, Petitioner was interviewed by MDHHS. Petitioner reported that she receives \$[REDACTED] per month in short-term disability. MDHHS relied upon Petitioner's reported income to determine her eligibility without further verification. 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. Verification is not required when the client is clearly ineligible, or for excluded income and assets unless needed to establish the exclusion. BAM 130 (May 2024), p. 1. Here, Petitioner does not dispute that she receives \$[REDACTED] in monthly gross income and submitted an Affidavit swearing to such (see Exhibit A, p. 9). As Petitioner is clearly ineligible based on this reported amount of monthly income, MDHHS did not error in failing to receive verification of income prior to denying Petitioner's FAP application. Petitioner argues that her income was improperly considered by MDHHS in determining her eligibility, as the income is paid by insurance due to a work-related injury and should be excluded. Sick and accident insurance pay a flat rate benefit due to illness or injury without regard to actual charges or expenses incurred, including short or long-term disability payments. MDHHS must enter the gross amount of these payments as unearned income. BEM 503 (January 2025) pp. 52-53. As policy does not exclude the income that Petitioner receives, and Petitioner's gross monthly income exceeds the gross income limit for FAP eligibility, MDHHS acted in accordance with policy in denying Petitioner's FAP application.

### **State Disability Assistance (SDA)**

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.

MDHHS testified that Petitioner's cash assistance application was denied, without consideration of whether she is disabled, as Petitioner has income in excess of SDA program eligibility. Financial need must exist to receive cash assistance benefits. BEM 518 (July 2023), p. 1; BEM 515 (February 2024). Financial need exists if there is at least

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a \$10 deficit after income is budgeted. If there is no deficit, the group is ineligible for assistance. BEM 518, p. 3. As discussed, Petitioner receives \$ [REDACTED] in unearned income each month. As this does not result in a deficit, Petitioner is not eligible for SDA. Therefore, MDHHS acted in accordance with policy in denying Petitioner's application for cash assistance based on disability.

### **State Emergency Relief (SER)**

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.

Petitioner applied for SER for moving expenses. Petitioner reported that she is currently living with a friend, but it is temporary. She does not have an eviction notice and is not homeless. Petitioner testified that the house she is staying in is hazardous as it is in a dangerous area and has mold infestation and bug infestation.

SER assists individuals and families to resolve or prevent homelessness by providing money for rent, security deposits, and moving expenses. The amount issued by MDHHS must resolve the group's shelter emergency. MDHHS may authorize any combination of moving expenses (to relocate household effects), security deposit (if required), first month's rent, and rent arrearage. ERM 303 (October 2024), p. 1. MDHHS determines the family must be relocated from unsafe housing for the protection of the children. ERM 303, p. 3. Relocation services may only be authorized if the following circumstances exist and all other SER criteria met:

- The SER group is homeless, meaning that there is no housing for the group to return to.
- The SER group is at risk of homelessness. Persons at imminent risk of homelessness must provide a court summons, order or judgment resulting from an eviction action.
- The SER group meets the eligibility requirements for a homeless assistance programs.

A group living with friends or relatives is not homeless, even if the arrangement is temporary unless one of the situations below exists:

- The group is living temporarily with other persons following a fire or natural disaster that occurred not more than 60 days before the date the group files an application for SER.
- The group is living with other persons to escape a domestic violence situation.
- The group meets eligibility criteria for one of the homeless assistance programs.

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ERM 303, pp. 1-3.

Persons at imminent risk of homelessness must provide a court summons, order, or judgment resulting from an eviction action. A court summons, order, or judgment must be issued verifying that the SER group will become homeless prior to SER approval. ERM 303, p. 6.

In this case, Petitioner does not reside with minor children. Policy regarding unsafe housing only applies to families with children. Therefore, MDHHS did not error in failing to consider Petitioner's housing conditions. Petitioner testified that she is not homeless or at risk of homelessness, though she is staying temporarily with her friend. As Petitioner is not facing homelessness or at risk of homelessness, she is not eligible to receive SER. Therefore, MDHHS acted in accordance with policy in denying Petitioner's SER application.

### **DECISION AND ORDER**

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 FAP benefits, SDA, and SER.

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



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**DANIELLE NUCCIO**  
**ADMINISTRATIVE LAW JUDGE**

**APPEAL RIGHTS:** Petitioner may appeal this Hearing Decision to the circuit court. Rules for appeals to the circuit court can be found in the Michigan Court Rules (MCR), including MCR 7.101 to MCR 7.123, available at the Michigan Courts website at courts.michigan.gov. The Michigan Office of Administrative Hearings and Rules (MOAHR) cannot provide legal advice, but assistance may be available through the State Bar of Michigan at <https://lrs.michbar.org> or Michigan Legal Help at <https://michiganlegalhelp.org>. A copy of the circuit court appeal should be sent to MOAHR. A circuit court appeal may result in a reversal of the Hearing Decision.

Either party who disagrees with this Hearing Decision may also send a written request for a rehearing and/or reconsideration to MOAHR within 30 days of the mailing date of this Hearing Decision. The request should include Petitioner's name, the docket number from page 1 of this Hearing Decision, an explanation of the specific reasons for the request, and any documents supporting the request. The request should be sent to MOAHR

- by email to [MOAHR-BSD-Support@michigan.gov](mailto:MOAHR-BSD-Support@michigan.gov), **OR**
- by fax at (517) 763-0155, **OR**
- by mail addressed to  
Michigan Office of Administrative Hearings and Rules  
Rehearing/Reconsideration Request  
P.O. Box 30639  
Lansing Michigan 48909-8139

Documents sent via email are not secure and can be faxed or mailed to avoid any potential risks. Requests MOAHR receives more than 30 days from the mailing date of this Hearing Decision may be considered untimely and dismissed.

**Via Electronic Mail:**

**Respondent**

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**Interested Parties**

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M. HOLDEN  
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**Via First Class Mail:**

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

