

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No: 2011-19132

Issue No: 3008

[REDACTED]

Muskegon County DHS

ADMINISTRATIVE LAW JUDGE: Vicki L. Armstrong

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's daughter's request for a hearing received on [REDACTED]. After due notice, a telephone hearing was held on [REDACTED]. Claimant's daughter, Tamara Vanrhee, personally appeared and provided testimony.

ISSUE

Whether the department properly denied Claimant's State Emergency Relief (SER) application based on failure to verify assets and income?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

1. In January 7, 2011, Claimant's daughter applied for State Emergency Relief (SER) benefits for Claimant's burial expenses. (Department Exhibit 1).
2. On January 14, 2011, the department mailed Claimant's daughter a Verification Checklist, requesting verification of Claimant's savings account and pension/retirement, due by January 21, 2011. (Department Exhibit 2).
3. On January 24, 2011, the department denied Claimant's SER application for failure to submit the requested verifications. (Department Exhibit 1).
4. Claimant's daughter submitted a hearing request on January 31, protesting the denial of SER burial benefits. (Request for a Hearing).

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. MAC R 400.903(1). An opportunity for a hearing shall be granted to an applicant who requests a hearing because of a denial. MAC R 400.903(2).

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The department will provide an administrative hearing to review the decision and determine the appropriateness. BAM 600.

The State Emergency Relief (SER) program is established by 2004 PA 344. The SER program is administered pursuant to MCL 400.10, *et seq.*, and by final administrative rules filed with the Secretary of State on October 28, 1993. MAC R 400.7001-400.7049. Department of Human Services (DHS or department) policies are found in the State Emergency Relief Manual (SER).

Department policy states that clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of the necessary forms. Clients who are able but refuse to provide necessary information or take a required action are subject to penalties. Clients must take actions within their ability to obtain verifications. The department must assist when necessary. The local office must assist clients who ask for help in completing forms (including the DCH-0733-D) or gathering verifications. Particular sensitivity must be shown to clients who are illiterate, disabled or not fluent in English. BAM 105.

Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. The department uses the Verification Checklist, DHS-3503, to tell the client what verification is required, how to obtain it and the due date. The client must obtain the required verification, but the department must assist if they need and request help. BAM 130.

A client is allowed 10 calendar days (or other time limit specified in policy) to provide the verification requested by the department. The department sends a negative action notice when the client indicates refusal to provide a verification, or the time period given has elapsed and the client has not made a reasonable effort to provide it. BAM 130.

In this case, Claimant's daughter timely applied for burial expenses on January 7, 2011. The department mailed Claimant's daughter a Verification Checklist instructing her to bring in verification of Claimant's savings account and pension or retirement, before January 21, 2011. Verification of Claimant's savings account and pension or retirement was not received by January 21, 2011, and the department denied her SER application on January 24, 2011.

Claimant admitted that she received the Verification Checklist on January 28, 2011, when she returned home from Michigan and caring for her mother-in-law who is in

Hospice. While the Administrative Law Judge sympathizes with Claimant's daughter, there are no exceptions in policy allowing a client to turn in verifications after the due date once the application has been denied. In addition, while Claimant's daughter did make an attempt to comply with the verification checklist once she received it, the department still did not have documentation of Claimant's actual pension amount and Claimant's daughter admitted that it might take months for her to actually be able to provide it. As a result, the department properly denied Claimant's SER application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly denied Claimant's SER application for failure to turn in the requested verifications.

Accordingly, the department's determination is UPHHELD.

It is SO ORDERED.

/s/ _____
Vicki L. Armstrong
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 5/11/11

Date Mailed: 5/11/11

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

[REDACTED]