

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201325742
Issue No.: [REDACTED]
Case No.: [REDACTED]
Hearing Date: July 11, 2013
County: Lapeer

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on July 11, 2013, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] and [REDACTED]. Participants on behalf of Department of Human Services (Department) included [REDACTED].

ISSUE

Whether the Department of Human Services (Department) properly determined the Claimant's State Emergency Relief (SER) eligibility?

FINDINGS OF FACT

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

1. On January 2, 2013, the Claimant's representative submitted an application for State Emergency Relief (SER) benefits for assistance with burial expenses on behalf of the Claimant, who is deceased.
2. On January 2, 2013, the Department sent the Claimant a Verification Checklist (DHS-3503) with a due date of January 16, 2013, requesting verification of a bank account held by the Claimant.
3. On January 3, 2013, the Department sent the Claimant a Verification Checklist (DHS-3503) with a due date of January 10, 2013, requesting verification of a bank account held by the Claimant.
4. On January 11, 2013, the Department denied the Claimant's application for State Emergency Relief (SER) benefits.

5. On January 14, 2013, the Claimant's representative notified the Department that she was having difficulty getting verification of the Claimant's bank accounts.
6. The Claimant provided the Department with a copy of a bank statement that was older than 30 days before the application for assistance was submitted.
7. The Claimant's application for benefits was handled by at least three Department employees before it was denied.
8. The Department received the Claimant's request for a hearing on January 18, 2013, protesting the denial of the State Emergency Relief (SER) application.

CONCLUSIONS OF LAW

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. Family Independence Agency (FIA or agency) policies are found in the State Emergency Relief Manual (ERM).

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes the completion of necessary forms. Department of Human Services Bridges Assistance Manual (BAM) 105 (March 1, 2013), p 5. Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. Department of Human Services Bridges Assistance Manual (BAM) 130 (May 1, 2012), p 1. 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. BAM 130. The Department uses documents, collateral contacts, or home calls to verify information. BAM 130. A collateral contact is a direct contact with a person, organization, or agency to verify information from the client. BAM 130. When documentation is not available, or clarification is needed, collateral contact may be necessary. BAM 130.

On January 2, 2013, the Claimant's representative submitted an application for State Emergency Relief (SER) benefits for assistance with burial expenses on behalf of the Claimant, who is deceased.

On January 2, 2013, the Department sent the Claimant a Verification Checklist (DHS-3503) with a due date of January 16, 2013, requesting verification of a bank account held by the Claimant. On January 3, 2013, the Department sent the Claimant a Verification Checklist (DHS-3503) with a due date of January 10, 2013. The Department requested verification of a bank account held by the Claimant on both verification checklists.

On January 11, 2013, the Department denied the Claimant's application for State Emergency Relief (SER) benefits.

On January 14, 2013, the Claimant's representative notified the Department that she was having difficulty getting verification of the Claimant's bank accounts.

The Claimant testified that she had provided the Department with a bank statement for the dates November 1, 2012, through November 30, 2012, which the Department did not accept as verification of the Claimant's assets during the 30 days before her application. The Department's representative that the Claimant submitted this document.

The Department agreed to accept verification documents until the later due date of the two Verification Checklist (DHS-3503) checklists that were sent out. When a bank statement for December of 2012 was not received by the Department, the Claimant's State Emergency Relief (SER) application was denied, although it does not appear that a second notice of denial was sent out.

The Department's representative testified that policy does not allow for an asset exclusion that would cover the bank account under these circumstances.

This Administrative Law Judge finds that it is not relevant that policy does not include an exclusion for the bank account under these circumstances. The bank account is a countable asset, and while there are exclusions in policy that cover cash assets, there is no evidence to support a finding that any of them apply here. The issue in this case is one of verification, not whether the asset is countable.

Applicants for benefits have a duty to provide the necessary verification documents, but the Department had a duty to assist its clients if they need and request help. If neither the client nor the Department can obtain the verification despite a reasonable effort, the Department will use the best available information. The Department will deny an application for assistance where the time period given has elapsed and the client has not made a reasonable effort to provide it. BAM 130.

This Administrative Law Judge finds that the Claimant's representative requested assistance with obtaining verification of the Claimant's assets on January 14, 2013.

This Administrative Law Judge finds that the Claimant made a reasonable attempt to provide the Department with the required information even though she was unable to provide the Department with current information.

This Administrative Law Judge finds that due to staffing issues and a short standard of promptness associated with State Emergency Relief (SER) applications, the Department failed to assist the Claimant's representative with the completion of the application for assistance. The Department also failed to establish why it could not apply a November 2012 bank statement as the best information available to establish whether the Claimant was eligible for benefits.

Based on the evidence and testimony available during the hearing, this Administrative Law Judge finds that the Department failed to establish that it properly denied the Claimant's application for State Emergency Relief (SER).

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department failed to establish that it properly denied the Claimant's State Emergency Relief (SER) application.

The Department's State Emergency Relief (SER) eligibility determination is **REVERSED**.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Issue the Claimant another Verification Checklist (DHS-3503) to obtain verification of the Claimant's assets within the 30 days before her application for State Emergency Relief (SER) benefits.
2. Initiate a determination of the Claimant's eligibility for State Emergency Relief (SER) as of her application date of January 2, 2013.
3. Provide the Claimant with a Notice of Case Action (DHS-1605) describing the Department's revised eligibility determination.
4. Issue the Claimant any retroactive benefits she may be eligible to receive, if any.

/s/
Kevin Scully
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 07/17/2013

Date Mailed: 07/18/2013

NOTICE: Michigan Administrative Hearing System (MAHS) 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. MAHS 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. (60 days for FAP cases) 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.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing MAY be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration MAY be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
 - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at
Michigan Administrative hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

KS/sw

cc:

