

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

IN THE MATTER OF:



Reg. No.: 2014-29495
Issue No.: 5002
Case No.: [REDACTED]
Hearing Date: April 3, 2014
County: Jackson

ADMINISTRATIVE LAW JUDGE: C. Adam Purnell

HEARING DECISION

Following Claimant'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 April 3, 2014 from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] (Claimant) and [REDACTED] (Claimant's friend and SER group member). Participants on behalf of the Department of Human Services (Department) included [REDACTED] (Family Independence Manager) and [REDACTED] (Eligibility Specialist).

ISSUE

Did the Department properly deny Claimant's application for State Emergency Relief (SER) because Claimant failed to comply with the verification requirements?

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 February 6, 2014, Claimant applied for SER seeking payment assistance for an electric bill.
2. On February 7, 2014, the Department mailed Claimant an SER Verification Checklist (DHS-3503) which requested copies of bank statements specifying the balance as of February 6, 2014 for Claimant and [REDACTED] (Claimant's SER household group member). The proofs were due by February 14, 2014.
3. By February 13, 2014, Claimant provided bank statements dated February 6, 2014 for Claimant and a bank statement for [REDACTED] dated February 13, 2014.
4. On February 14, 2014, the Department mailed Claimant a State Emergency Relief Decision Notice (DHS-1419) which denied Claimant's SER application because he

“failed to verify or allow the department to verify information necessary to determine eligibility for this program.”

5. Claimant requested a hearing to challenge the Department’s SER denial on February 21, 2014.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

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 Family Independence Agency) pursuant to MCL 400.10 and by Mich Admin Code, R 400.7001 through R 400.7049.

Policy requires the Department verify and count all non-excluded assets of SER group members for all SER services with every application. The Department must count only available assets when determining SER eligibility. The Department will consider an asset totally available unless it is claimed and verified that a portion of the asset’s value belongs to another individual. BEM 205 (3-1-2013) p. 1.

The Department must verify the owner and equity value of all non-excluded assets. BEM 205, p 3. All assets must be entered into Bridges for eligibility and documentation purposes. BEM 205, p 8.

The Department sometimes will utilize a verification checklist (VCL) or a DHS form telling clients what is needed to determine or redetermine eligibility. See Bridges Program Glossary (BPG) at page 47.

Verification means documentation or other evidence to establish the accuracy of the client’s verbal or written statements. BAM 130. Verification is usually required upon application or redetermination and for a reported change affecting eligibility or benefit level. BAM 130.

Here, the Department contends that Claimant’s SER application was appropriately denied because Claimant failed to provide proper verification of his group member’s (█ ████) bank account. The Department asserts that Claimant, per the verification checklist, was required to provide a copy of ████ bank account balance as of February 6, 2014, but instead provided a copy of a bank statement from a different time period. Claimant, on the other hand, contends that he timely and properly provided ████ bank account statement from ████ which was dated February 13, 2014. During the hearing, Claimant later admitted that he misunderstood the precise document that the Department was requesting. The issue is

whether [REDACTED] February 13, 2014 bank statement satisfies the verification requirement to provide bank statement of February 6, 2014.

Testimony and other evidence must be weighed and considered according to its reasonableness. *Gardiner v Courtright*, 165 Mich 54, 62; 130 NW 322 (1911); *Dep't of Community Health v Risch*, 274 Mich App 365, 372; 733 NW2d 403 (2007). The weight and credibility of this evidence is generally for the fact-finder to determine. *Dep't of Community Health*, 274 Mich App at 372; *People v Terry*, 224 Mich App 447, 452; 569 NW2d 641 (1997). Moreover, it is for the fact-finder to gauge the demeanor and veracity of the witnesses who appear before him, as best he is able. See, e.g., *Caldwell v Fox*, 394 Mich 401, 407; 231 NW2d 46 (1975); *Zeeland Farm Services, Inc v JBL Enterprises, Inc*, 219 Mich App 190, 195; 555 NW2d 733 (1996).

This Administrative Law Judge has carefully considered and weighed the testimony and other evidence in the record. The SER Verification Checklist (DHS-3503) in this matter was not ambiguous. Per the DHS-3503, Claimant was clearly instructed to provide bank statements and "specify the balance as of 2/6/14." The DHS-3503 further provides, "[y]ou can ask the bank for a transaction history if the statement doesn't already show it." Here, Claimant did not comply with the instructions set forth in the DHS-3503. Instead, Claimant provided [REDACTED] bank account as of February 13, 2014. This is not the same as providing the account balance as of February 6, 2014. Certainly, the balance on February 6, 2014 (the date of the application) may not be the same as on February 13, 2014. The Department should not be expected to assume that the account balance was unchanged from February 6, 2014 through February 14, 2014. The DHS-3503 also noted that Claimant could obtain a transaction history, which would have indicated [REDACTED] bank account balance on February 6, 2014. Claimant did not obtain the proper verification in this regard.

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 Claimant's SER application for failure to properly provide requested verifications.

DECISION AND ORDER

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

IT IS SO ORDERED.



C. Adam Purnell
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: April 9, 2014

Date Mailed: April 9, 2014

NOTICE OF APPEAL: 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

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).

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-07322

CAP/las

cc:

