

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-019467
Issue No.: 5001
Case No.: [REDACTED]
Hearing Date: April 20, 2015
County: Wayne (76)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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, an in-person hearing was held on April 20, 2015, from Detroit, Michigan. Participants included the above-named Claimant. Participants on behalf of the Department of Health and Human Services (DHHS) included [REDACTED], Manager, and [REDACTED], specialist.

ISSUE

The issue is whether DHHS fully processed Claimant's State Emergency Relief (SER) application.

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], Claimant applied for SER seeking assistance with purchase and installation of a furnace.
2. On [REDACTED], DHHS approved Claimant for \$4,000 towards a furnace purchase, subject to Claimant submitting proof to DHHS by [REDACTED] of a \$300 copayment.
3. On an unspecified date Claimant submitted a \$300 receipt to DHHS.
4. On [REDACTED] Claimant requested a hearing to dispute the failure by DHHS to issue a \$4,000 towards a furnace purchase.

5. On an unspecified date, Claimant reapplied for SER.
6. On [REDACTED] DHHS approved Claimant for a \$4,000 furnace purchase, with no required copayment.

CONCLUSIONS OF LAW

The State Emergency Relief (SER) program is established by the Social Welfare Act, MCL 400.1-.119b. The SER program is administered by DHHS (formerly known as the Family Independence Agency) pursuant to MCL 400.10 and Mich Admin Code, R 400.7001 through R 400.7049. DHHS policies are contained in the Services Emergency Relief Manual (ERM).

Claimant requested a hearing to dispute a DHHS failure to approve his SER eligibility for a furnace purchase related to an SER application dated November 5, 2014. It was not disputed that SER approval would only occur after Claimant verified to DHHS that he made a \$300 copayment.

DHHS conceded that Claimant submitted a document as proof of his \$300 copayment. DHHS contended that Claimant's submitted document was either illegible and/or confusing and did not sufficiently verify a \$300 copayment. Neither DHHS nor Claimant provided the document as an exhibit. Thus, it is impossible to find with any certainty if Claimant's submitted document sufficiently verified a copayment. Fortunately, such a finding is not necessary.

DHHS contended that the issue was moot because Claimant reapplied for SER and a \$4,000 payment was issued in relation to the subsequent application. Claimant provided no argument that it matters which SER application was approved; Claimant only wanted DHHS to approve his SER eligibility. Claimant expressed uncertainty that DHHS approved him for a \$4,000 furnace installation and purchase.

DHHS is to authorize and issue payment for all SER covered services using the DHHS-849, Authorization/Invoice. ERM 401 (October 2013), p. 1. Bridges automatically creates the DHHS-849 when an SER application has been approved and certified. *Id.* DHHS is to use the DHHS-849, Authorization/Invoice, to notify the vendor and local office fiscal unit of the SER group's copayment and approved services. ERM 208 (October 2014), p. 5.

DHHS presented a State Emergency Relief Decision Notice (Exhibits 1-2) dated [REDACTED], which verified a \$4,000 SER approval, without any required copayment. DHHS presented a DHHS-849 Authorization/Invoice (Exhibit 3) and signed [REDACTED] noting a \$4,000 payment to Claimant's furnace installer. DHHS also presented a SER Details document which stated a \$4,000 payment was issued on behalf of Claimant. All of the presented documents support finding that DHHS approved Claimant

for \$4,000 towards a furnace purchase and installation. Accordingly, Claimant's hearing request will be dismissed because DHHS resolved the issues leading to Claimant's hearing request submission.

Claimant testified that his furnace installer told him that payment was still not received. Claimant testified that he wants this hearing decision to address whether DHHS issued payment to his furnace installer.

Claimant originally requested a hearing to dispute a failure by DHHS to approval his SER eligibility. DHHS sufficiently verified that Claimant was approved for the full \$4,000 that he requested. Claimant's hearing request is deemed to be resolved.

Claimant's desire for a decision specifically about issuance of SER payment is a slightly different remedy than what he requested in his hearing request. As such, Claimant must request another hearing if he seeks an administrative remedy specifically concerning issuance of the SER payment.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHHS fully approved Claimant's SER request for a \$4,000 furnace installation leaving Claimant with no unresolved dispute from his hearing request dated [REDACTED]. Claimant's hearing request is **DISMISSED**.



Christian Gardocki
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **4/21/2015**

Date Mailed: **4/21/2015**

CG / hw

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date. A copy of the claim or application for appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Hearing Decision from MAHS within 30 days of the mailing date of this Hearing Decision, or MAHS **MAY** order a rehearing or reconsideration on its own motion. MAHS **MAY** grant a party's Request for Rehearing or Reconsideration 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 party requesting a rehearing or reconsideration 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 this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, 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 48909-8139

cc:

