

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 15-001581
Issue No.: 5002
Case No.: [REDACTED]
Hearing Date: April 14, 2015
County: MECOSTA

ADMINISTRATIVE LAW JUDGE: Susanne E. Harris

HEARING DECISION

Following the 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; and Mich Admin Code, R 792.11002. After due notice, an in-person hearing was held on April 14, 2015, in Big Rapids, Michigan. Participants on behalf of the Claimant included the Claimant, [REDACTED]. Participants on behalf of the Department of Health and Human Services (Department) included Hearing Coordinator, [REDACTED].

ISSUE

Did the Department properly deny the Claimant's application for State Emergency Relief (SER) benefits, due to the Claimant's failure to submit the required verification?

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 January 20, 2015, the Claimant submitted an SER application requesting assistance with her electric bill.
2. On January 21, 2015, a DHS-3503, Verification Checklist was sent to the Claimant, requesting verification of a savings account.
3. On January 22, 2015, the Department conducted a telephone interview with the Claimant. During the interview, the Department explained that a hold was put on the Claimant's electricity shut off, preventing shut off until February 3, 2015.
4. On January 26, 2015, the Claimant requested a hearing regarding her SER application.
5. On January 28, 2015, the Department spoke with the Claimant regarding the need to verify her Direct Express card. The Claimant has her benefits from the Social

Security Administration (SSA) downloaded to a Direct Express card, which is a vendor prepaid debit card.

6. On January 29, 2015, the Department sent the Claimant a decision notice denying her application for SER due to her failure to submit the required verification.

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).

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.

In this case, there essentially was no negative action at the time that the Claimant requested or hearing. As such, the Administrative Law Judge would be justified in simply dismissing the Claimant's hearing request. However, this Administrative Law Judge proceeds to a decision.

The Claimant did not contest that she did not provide the Department with the required information. The Claimant testified that she was unwilling to simply have her Direct Express card photocopied and made part of her case file. The Claimant has concerns regarding identity theft and expresses that the SSA has instructed her not to relinquish her personal information.

During the hearing, there was much testimony from the Department indicating that there have been several discussions with the Claimant regarding this issue. In particular, this Administrative Law Judge preferred the option of having the Claimant telephone her Direct Express card for her account information, the Claimant would insert her personal information and then hand the telephone receiver over to the Department who would verify the information necessary. This option would avoid documentation of the Claimant's personal Direct Express Card number. Lastly, at the conclusion of the hearing, the Claimant testified that she had her own emergency resolved by having another social service agency pay her electric bill.

Additionally, Bridges Assistance Manual (BAM) 130 (2014) p. 2 provides that the Department worker tell the Claimant what verification is required, how to obtain it and the due date by using either a DHS-3503 Verification Checklist, or for MA determinations, the DHS-1175, MA Determination Notice to request verification. In this case, the Department did exactly that.

Bridges Assistance Manual (BAM) 130 (2014) p. 5 provides that verifications are considered to be timely if received by the date they are due. It instructs Department workers to send a negative action notice when the Claimant indicates a refusal to provide a verification, or when the time period given has elapsed and the Claimant has not made a reasonable effort to provide it. In this case, the Administrative Law Judge determines that the time period to submit the verification had lapsed and the Claimant had made no reasonable effort to provide the verification. As such, the Administrative Law Judge concludes that the Department has met its burden of establishing that it was acting in accordance with policy when taking action to deny the Claimant's SER application for failure to submit the required verification.

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 took action to deny the Claimant's SER application.

DECISION AND ORDER

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



Susanne E. Harris
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **4/16/2015**

Date Mailed: **4/16/2015**

SEH/sw

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:

