

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

IN THE MATTER OF:



Reg. No.: 15-009765
Issue No.: 5002
Case No.: [REDACTED]
Hearing Date: August 12, 2015
County: INGHAM

ADMINISTRATIVE LAW JUDGE: Gary Heisler

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; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on August 12, 2015, from Lansing, Michigan. Participants on behalf of Claimant included herself. Participants on behalf of the Department of Health and Human Services (Department) included AP Supervisor [REDACTED].

ISSUE

Did the Department properly deny Claimant's May 15, 2015, State Emergency Relief Program application for failure to provide required verifications?

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 May 15, 2015, Claimant submitted a State Emergency Relief Program application.
2. On May 26, 2015, Claimant was sent a Verification Checklist (DHS-3503) requesting verification of her checking account. The verification was due on June 5, 2015.
3. On May 27, 2015, at 8:36 pm, Claimant Emailed the Department case worker the first page of an online statement for each of three separate bank accounts and an ATM receipt. This constituted four pages total. (Pages 22-25)
4. On May 28, 2015, the Department case worker Emailed Claimant and stated that all the pages for each separate bank account were required. Claimant replied that

no one had ever asked for the other pages and stated "it is really not the business of DHS what I spend my money on, please explain." (Page 30)

5. On June 2, 2015, the Department had not received the rest of the required verifications. Claimant was sent a State Emergency Relief Decision Notice (DHS-1419) which stated her request for assistance was denied.
6. On June 10, 2015, Claimant submitted a hearing request.

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.

State Emergency Relief Manual (ERM) 103 Application Processing (10-1-2013) at page 6, states:

Standard of Promptness

Give priority to SER applicants when there is a direct threat to health or safety requiring immediate attention.

The SER standard of promptness is **10 calendar days**, beginning with the date the signed SER application is received in the local office. The case record must include documentation for any delay in processing the application beyond the standard of promptness.

Do not use the standard of promptness as a basis for denial of SER applications.

Continue to pend an application if the SER group is cooperating within their ability to provide verifications.

Deny the application if the group does not cooperate.

Note: There is no standard of promptness adjustment for holidays, weekends or non-business days. The case record must include documentation for any delay in processing the application beyond the standard of promptness.

VERIFICATION

Clients must be informed of all verifications that are required and where to return verifications. The due date is **eight calendar days** beginning with the date of application. If the application is not processed on the application date, the deadline to return verification is eight calendar days from the date verification is requested. This does not change the standard of promptness date.

Use the DHS-3503, SER Verification Checklist, to request verification and to notify the client of the due date for returning the verifications.

The client must make a reasonable effort to obtain required verifications. The specialist must assist if the applicant needs and requests help. If neither the client nor the specialist can obtain the verifications despite a reasonable effort, use the best available information. If no evidence is available, the specialist must use their best judgment.

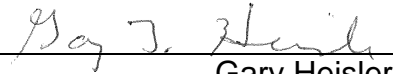
In the June 10, 2015, hearing request Claimant wrote "I did Email 10 pages of bank statements (all the bank gave me) I can prove it by the record of it on my computer. During this hearing Claimant asserted that early on May 28, 2015, she mailed all the pages of the account statements by placing them in her mail box for pick up. Claimant was asked if that was before the 11:39 am Email she sent on May 28, 2015 stating "No one has ever ask me for the other pages. No offense but it is really not the business of DHS what I spend my money on. Please explain." Claimant replied that maybe she had the days mixed up because she mailed them after that. The Department's records of what Claimant actually submitted, are found more credible that Claimant's inconsistent statements.

The Verification Checklist (DHS-3503) issued by the Department states that the verifications were due by June 5, 2015. The application was denied on June 2, 2015, before the end of the time period allowed. However, ERM 103, cited above, provides that the Department deny the application if the group does not cooperate. That provision supersedes the time allotted for providing verifications.

The Email sent by Claimant on May 28, 2015, (Page 30) is credible evidence that Claimant refused to submit all of the required verification and was not cooperating. 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 May 15, 2015, State Emergency Relief Program application for failure to provide required verifications.

DECISION AND ORDER

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



Gary Heisler
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **8/28/2015**

Date Mailed: **8/28/2015**

GFH / 

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:

