

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

IN THE MATTER OF:



MAHS Reg. No.: 15-018647
Issue No.: 4000, 5001
Agency Case No.: [REDACTED]
Hearing Date: December 16, 2015
County: KENT-DISTRICT 1

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 December 16, 2015, from Lansing, Michigan. Participants on behalf of Claimant included herself. Participants on behalf of the Department of Health and Human Services (Department) included Family Independence Manager [REDACTED] and Eligibility Specialist [REDACTED].

ISSUE

Did the Department properly deny Claimant's August 5, 2015 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 February 6, 2015, Claimant submitted an application for State Disability Assistance (SDA) benefits.
2. On June 1, 2015, Claimant was sent a Notice of Case Action (DHHS-1605) which stated her February 6, 2015 application was denied.
3. On June 8, 2015, Claimant submitted an unsigned hearing request. The Department submitted a hearing packet to Michigan Administrative Hearing System (MAHS) along with the unsigned hearing request.
4. On June 26, 2015, Michigan Administrative Hearing System (MAHS) sent Claimant a letter stating that a hearing could not be scheduled because her June 8, 2015

hearing request was not signed. The June 8, 2015 request was assigned register number [REDACTED]. The letter also informed Claimant that she could still submitted a signed request. Claimant had until August 29, 2015 to submit a signed hearing request about the June 1, 2015 denial of her February 6, 2015 application.

5. On August 5, 2015, Claimant submitted an online application for State Emergency Relief (SER) benefits.
6. On August 11, 2015, Claimant was sent a State Emergency Relief Decision Notice (DHS-1419) which stated her August 5, 2015 application was denied.
7. On October 1, 2015, Claimant submitted an online application for State Disability Assistance (SDA) and State Emergency Relief (SER) benefits. The application also contained a section requesting a hearing. A copy of the page containing the hearing request was submitted bearing the signature of Attorney Stuart of Legal Aid of Western Michigan. The hearing request was assigned register number 15-018647.
8. On November 3, 2015, Attorney Stuart withdrew from representing Claimant.

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 Disability Assistance (SDA) program is established by the Social Welfare Act, MCL 400.1-.119b. The Department of Health and Human Services (formerly known as the Department of Human Services) administers the SDA program pursuant to 42 CFR 435, MCL 400.10 and Mich Admin Code, R 400.3151-.3180.

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.

June 1, 2015 denial of February 6, 2015 SDA application

During this hearing Claimant testified that she intended the hearing request for the June 1, 2015 denial of her February 6, 2015 State Disability Assistance (SDA) application. There is no jurisdiction to address this issue. In accordance with Bridges Administration Manual (BAM) 600 Hearings, Claimant had to submit a written hearing request within 90 calendar days of June 1, 2015. That deadline passed on August 29, 2015. This October 1, 2015 hearing request is invalid for the June 1, 2015 denial. That portion of this hearing request is dismissed.

August 11, 2015 denial of August 5, 2015 SER application

This October 1, 2015 hearing request does provide jurisdiction to review the Department's denial of Claimant's August 5, 2015 State Emergency Relief (SER) application. The application (Pages 5-7) provides a PO Box address; is marked as requesting assistance with eviction/relocation; indicates Claimant has no income; indicates Claimant has back rent of [REDACTED]; and indicates Claimant had a rent/mortgage obligation of [REDACTED] one month ago. State Emergency Relief Manual 207 Housing Affordability, states "Authorize SER for services only if the SER group has sufficient income to meet ongoing housing expenses."

Paying back rent to prevent eviction or providing relocation funds to an applicant who has no income, is not authorized. Denial of Claimant's August 5, 2015 State Emergency Relief (SER) application was a correct action.

October 1, 2015 SDA and SER application

There is no jurisdiction to address these issues because the Department had not made any eligibility determinations on the date of this hearing request.

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 August 5, 2015 State Emergency Relief (SER) application.

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 Mailed: **12/22/2015**

GH/nr

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:

