



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
Christopher Seppanen
Executive Director

MIKE ZIMMER
DIRECTOR

[REDACTED]

Date Mailed: March 9, 2016
MAHS Docket No.: 15-024610
Agency No.: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

HEARING DECISION

Following Petitioner'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 March 3, 2016, from Detroit, Michigan. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by [REDACTED], specialist, and [REDACTED], specialist.

ISSUE

The first issue is whether MDHHS improperly terminated Petitioner's son's State SSI Payments (SSP) eligibility.

The second issue is whether MDHHS improperly denied Petitioner's eligibility for State Disability Assistance (SDA).

The third issue is whether MDHHS improperly denied Petitioner's application for State Emergency Relief (SER).

FINDINGS OF FACT

The administrative law judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Petitioner's son was an ongoing SSP recipient.
2. On [REDACTED], Petitioner applied for SDA benefits.

3. On [REDACTED], Petitioner applied for SER seeking assistance with relocation.
4. MDHHS did not request verification of Petitioner's reason for relocation.
5. On [REDACTED] MDHHS denied Petitioner's SER application due to Petitioner's alleged failure to verify an emergency.
6. On an unspecified date, MDHHS denied Petitioner's SDA application.
7. On [REDACTED], Petitioner requested a hearing to dispute denials of SDA and SER, and an unspecified action concerning her son's SSP eligibility.

CONCLUSIONS OF LAW

The State SSI Payments (SSP) program is established by 20 CFR 416.2001-.2099 and the Social Security Act, 42 USC 1382e. The Department administers the program pursuant to MCL 400.10. Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM) and Department of Human Services Bridges Eligibility Manual (BEM) and Department of Human Services Reference Tables Manual (RFT).

Petitioner requested a hearing, in part, to dispute an unspecified action concerning her son's SSP eligibility. Petitioner testimony clarified that she disputed a termination of her 19-year-old son's SSP eligibility.

MDHHS did not address Petitioner's son's SSP eligibility in their case summary. During the hearing, MDHHS was given time to address Petitioner's allegation. After some time, MDHHS discovered Petitioner's son's SSP eligibility did not stop. Petitioner conceded the discovery as correct.

Shortly after Petitioner conceded her son's SSP eligibility continued, she then claimed her actual dispute was that the SSP issuances should be sent to her as a payee for her son. Petitioner's attempt to reframe the SSP dispute was not proper.

If Petitioner has a dispute concerning who is the payee of her son's eligibility, she must give proper notice to MDHHS. Petitioner's hearing request did not specify what SSP action she disputed. Petitioner was given leniency during the hearing to specify her dispute and MDHHS addressed the dispute as stated by Petitioner. The leniency given to Petitioner stopped at addressing her first allegation (which turned out to be inaccurate). Petitioner's hearing request will be dismissed concerning her son's SSP eligibility.

The State Disability Assistance (SDA) program is established by the Social Welfare Act, MCL 400.1-.119b. MDHHS (formerly known as the Family Independence Agency) administers the SDA program pursuant to 42 CFR 435, MCL 400.10 and Mich Admin

Code, R 400.3151-.3180. MDHHS policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner requested a hearing, in part, to dispute a denial of SDA eligibility. Petitioner testimony alleged she applied for SDA on November 30, 2015.

MDHHS conceded Petitioner applied for cash benefits in their case summary. MDHHS testimony alleged Petitioner's SDA application was pending as of date Petitioner requested a hearing. Petitioner responded that she received a notice that her application was denied.

During the hearing, MDHHS was given time to obtain documentation which could have verified if Petitioner's application was denied or pending. After a lengthy break, MDHHS testimony claimed Petitioner had too many case numbers to check to determine the current status of her SDA eligibility. The only information concerning MDHHS provided after the break was that Petitioner did not have a SDA application under the case number from her hearing request since 2013. The testimony fails to address the possibility that MDHHS assigned a different case number to a more recent SDA application. The possibility is really a probability when factoring that MDHHS conceded in their summary that Petitioner applied for cash benefits on [REDACTED].

Petitioner brought her phone to the hearing. During the hearing, Petitioner accessed her case information through the State of Michigan MDHHS website; MDHHS was given an opportunity to witness Petitioner's website access. Petitioner testified the website access suggested MDHHS denied her application due to failing to verify information; Petitioner's testimony was not verified.

Neither side presented a Notice of Case Action which could have been used to verify the MDHHS actions, if any, taken concerning Petitioner's SDA eligibility. Petitioner's presentation of evidence was less than ideal; the presentation was superior to MDHHS' unavailing presentation. Based on the very limited evidence presented, it is found MDHHS denied Petitioner's SDA application dated [REDACTED].

MDHHS presented no evidence to support the basis for denying Petitioner's application. MDHHS will be ordered to re-register and reprocess Petitioner's application.

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

Petitioner requested a hearing, in part, to dispute a denial of SER. It was not disputed Petitioner specifically sought SER to assist in a relocation of residence. Again, MDHHS failed to address Petitioner's dispute in their case summary. After a lengthy break,

MDHHS alleged Petitioner's SER application was denied on [REDACTED]. MDHHS alleged the basis for termination was Petitioner's failure to have an emergency.

[MDHHS is to] authorize relocation services only if one of the following circumstances exists and all other SER criteria are met. *Id.* The circumstances justifying approval of relocation services include the following: homelessness, imminent homelessness, adequate housing to avoid foster care, unsafe housing (with supervisory approval), condemned housing, or residence in high energy housing which cannot be rehabilitated (see *Id.* pp. 1-4).

Petitioner testimony alleged she wanted to move because she lives in unsafe housing. [Unsafe housing must be documented by] a DHS services worker or DHS specialist, with supervisory approval, determines the family must be relocated from unsafe housing for the protection of the children. *Id.*, 4.

MDHHS testimony alleged Petitioner's application was properly denied because Petitioner failed to verify the claim that her residence was unsafe. The testimony was unpersuasive for two reasons.

First, MDHHS appears to require no documentation from a client for relocation from unsafe housing. MDHHS only requires a specialist and supervisor to verify the need.

Secondly, even if Petitioner had an obligation to verify her housing was unsafe, MDHHS did not properly request verification. [MDHHS is to] use the DHS-3503, SER Verification Checklist, to request verification and to notify the client of the due date for returning the verifications. ERM 103 (October 2013), p. 6. MDHHS testimony conceded a VCL was not sent to Petitioner. MDHHS contended a VCL was not necessary, though MDHHS policy clearly contradicts their contention. It is found MDHHS improperly denied Petitioner's SER application for relocation.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS took no adverse action concerning her son's SSP eligibility. Petitioner's hearing request is **PARTIALLY DISMISSED**.

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS improperly denied Petitioner's SDA and SER applications. It is ordered that MDHHS begin to perform the following actions within 10 days of the date of mailing of this decision:

- (1) re-register Petitioner's SDA and SER applications dated [REDACTED], subject to the findings that MDHHS improperly denied both applications; and
- (2) initiate processing of both improperly denied applications.

The actions taken by MDHHS are **REVERSED**.

CG/hw



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

NOTICE OF APPEAL: A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088; 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

DHHS

[REDACTED]

[REDACTED]

Petitioner

[REDACTED]