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GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

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Date Mailed: December 19, 2016
MAHS Docket No.: 16-016862
Agency No.: ██████████
Petitioner: ██████████

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 ██████████, from ██████████ Michigan. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by ██████████, hearing facilitator.

ISSUE

The issue is whether Petitioner established a basis for an administrative remedy.

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 ██████████, Petitioner applied for SER, seeking assistance with property taxes and energy-related home repairs.
2. On an unspecified date, MDHHS denied Petitioner's SER application.
3. On ██████████, MDHHS re-registered Petitioner's SER application, without Petitioner's knowledge.
4. On ██████████, MDHHS again denied Petitioner's SER application.
5. On ██████████ ██████████ ██████████, Petitioner requested a hearing to dispute the re-registration of her SER application and to request a new specialist.

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 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's SER dispute was atypical. An analysis of the dispute requires factoring some background.

Petitioner applied for SER in early [REDACTED] seeking assistance for property taxes and furnace repairs. MDHHS officially denied the application for unknown reasons. Petitioner requested a hearing, but then withdrew her hearing request; this resulted in a dismissal of Petitioner's hearing request.

On [REDACTED], MDHHS apparently reconsidered Petitioner's SER eligibility. MDHHS testimony indicated Petitioner's application was reconsidered based on Petitioner's total tax arrearage falling below \$ [REDACTED] the testimony was consistent with Petitioner's testimony that she made a property tax payment around this time. MDHHS ultimately denied the application and sent Petitioner a State Emergency Relief Decision Notice (Exhibit 1, pp. 1-2).

Petitioner's hearing request (despite Petitioner's testimony) did not dispute the SER denial. Petitioner objected to the re-registration of her application. Petitioner testified she learned of the re-registration during a conversation with MDHHS staff on [REDACTED]. [REDACTED]. Petitioner contended the re-registration was inappropriate and defames her character in some respect. Petitioner perceived the unwanted application re-registration as a "slap in the face."

The application date is the first day of the 30-day SER eligibility period. ERM 103 (October 2015), p. 2. Every additional request made during the approved 30-day eligibility period is entered into Bridges as an additional SER service request and is subject to the original 30-day eligibility period. *Id.*

Petitioner testified she has a history of customer service difficulties with MDHHS. It is appreciated that Petitioner may not think highly of MDHHS based on her previous interactions. Without knowing Petitioner's past difficulties, it is exceptionally improbable that MDHHS re-registered Petitioner's SER application for any reason other than to help Petitioner. Even assuming MDHHS re-denied Petitioner's SER application for the sole purpose of annoying Petitioner, it was curious what remedy Petitioner expected. Petitioner testified she wanted a different specialist to handle her case in the future.

The Michigan Administrative Hearing System may grant a hearing about any of the following (see BAM 600 (June 2015), p. 4):

- denial of an application and/or supplemental payments;
- reduction in the amount of program benefits or service;
- suspension or termination of program benefits or service
- restrictions under which benefits or services are provided;
- delay of any action beyond standards of promptness; or
- the current level of benefits or denial of expedited service (for Food Assistance Program benefits only).

Petitioner's desire for a different specialist is not a basis for which a hearing may be granted. Similarly, the remedy is not one grantable through the administrative hearing process. Petitioner's hearing request will be dismissed due to the lack of administrative remedy available to Petitioner.

Petitioner testified she disputed everything about the second denial of her SER application. Petitioner testified the dispute included the merits of the denial.

Petitioner already withdrew a previously submitted hearing request concerning the same application. Petitioner's written hearing request only objected to the registration of the SER application, not how it was processed. Petitioner's hearing request will not be interpreted as a dispute about the denial of SER.

As a courtesy only, the SER denial was discussed during the hearing. MDHHS testimony indicated Petitioner's home repair request was denied because Petitioner applied outside of crisis season (see ERM 301) which begins [REDACTED] MDHHS appeared to deny Petitioner's property tax request because a judicial foreclosure had not yet been scheduled (see ERM 304). Both appear to be proper reasons for denial.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that there is no administrative hearing jurisdiction for a request of a new specialist. Petitioner is also not entitled to any remedy for a re-registration of a SER application without consent. Petitioner's hearing request is **DISMISSED**.

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]
[REDACTED]

[REDACTED]
[REDACTED]

Petitioner

[REDACTED]
[REDACTED]
[REDACTED]