



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: May 6, 2016
MAHS Docket No.: 16-002668
Agency No.: [REDACTED]
Petitioner: [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 April 28, 2016, from Detroit, Michigan. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by [REDACTED], specialist.

ISSUE

The issue is whether MDHHS properly denied Petitioner's State Emergency Relief (SER) application due to Petitioner's failure to verify assets.

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 [REDACTED], Petitioner applied for SER seeking assistance with an energy bill.
2. Petitioner had a checking account.
3. On an unspecified date, MDHHS verbally told Petitioner to submit proof of her checking account balance.
4. On [REDACTED], MDHHS denied Petitioner's SER application due to Petitioner's alleged failure to verify assets.

5. On [REDACTED], Petitioner requested a hearing to dispute the denial of SER

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 requested a hearing to dispute the denial of SER. MDHHS presented a State Emergency Relief Decision Notice (Exhibit 1) dated [REDACTED], which stated Petitioner's SER application was denied due to a failure to verify information. MDHHS testimony specified Petitioner failed to verify her checking account information.

MDHHS interviewed Petitioner shortly after receiving Petitioner's SER application. During the interview, MDHHS verbally advised of the need to submit verification of her checking account balance. It was not disputed Petitioner told MDHHS she already submitted checking account information to MDHHS in a matter unrelated to her SER application. The testifying MDHHS specialist indicated a check of Petitioner's case file revealed no checking account submission by Petitioner. When Petitioner did not submit the information by [REDACTED], MDHHS denied the application.

It is not known with certainty when or if Petitioner verified her checking account information. For purposes of this decision, it will be found Petitioner did not verify her checking account information. Despite Petitioner's failure to verify an asset, MDHHS failed to comply with their procedural obligations.

Clients must be informed of all verifications that are required and where to return verifications. ERM 103 (October 2015), p. 6. [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. *Id.* The due date is eight calendar days beginning with the date of application. *Id.* 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. *Id.*

MDHHS testimony conceded MDHHS did not mail Petitioner a Verification Checklist requesting proof of Petitioner's checking account information. It is appreciated Petitioner was verbally informed of the obligation, however, a verbal telling is an unacceptable substitution for the formality of a mailing a Verification Checklist.

It is found MDHHS failed to comply with their procedural requirements by failing to mail Petitioner a Verification Checklist. Accordingly, the denial of Petitioner's SER was improper.

DECISION AND ORDER

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

- (1) Reinstate Petitioner's SER application dated [REDACTED]; and
- (2) Process Petitioner's SER application subject to the finding MDHHS must request checking account information via Verification Checklist.

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]