



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR



Date Mailed: May 4, 2016
MAHS Docket No.: 16-003128
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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. After due notice, telephone hearing was held on April 26, 2016, from Lansing, Michigan. Participants on behalf of Petitioner included [REDACTED]. [REDACTED] (Eligibility Specialist) represented the Department of Health and Human Services (Department). Witnesses on behalf of the Department included [REDACTED] (Assistance Payments Supervisor).

ISSUE

Did the Department of Health and Human Services (Department) properly deny the Petitioner's 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 18, 2016, the Department received the Petitioner's State Emergency Relief (SER) application.
2. The Petitioner submitted copies of savings through February of 2016, and checking account statements through January of 2016. Exhibit A, pp 2 – 3.
3. On February 18, 2016, the Department sent the Petitioner a Verification Checklist (DHS-3503) requesting verification of assets, income, and vehicle ownership by February 25, 2016, but did not provide examples of how vehicle ownership could be verified. Exhibit A, pp 4 – 5.

4. An eligibility interview scheduled for February 25, 2016, was cancelled due to severe weather.
5. On February 26, 2016, the Department notified the Petitioner that it had approved her State Emergency Relief (SER) application. Exhibit A, pp 6 – 8.
6. The Petitioner testified that she made her required co-payment.
7. On March 10, 2016, the Department sent a Benefit Notice (DHS-176) notifying the Petitioner that the February 26, 2016, approval notice was incorrect and that State Emergency Relief (SER) benefits would not be issued. Exhibit A, pp 9 – 10.
8. On March 10, 2016, the Department received the Petitioner's request for a hearing protesting the closure of her State Emergency Relief (SER) application.

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.

Clients must cooperate with the local office in determining initial and ongoing eligibility and this includes the completion of necessary forms. Department of Human Services Bridges Assistance Manual (BAM) 105 (July 1, 2015), p 8.

Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level when it is required by policy, required as a local office option, or information regarding an eligibility factor is unclear, inconsistent, incomplete, or contradictory. The Department uses documents, collateral contacts, or home calls to verify information. A collateral contact is a direct contact with a person, organization, or agency to verify information from the client. When documentation is not available, or clarification is needed, collateral contact may be necessary. Department of Human Services Bridges Assistance Manual (BAM) 130 (January 1, 2016), pp 1-9.

The Department will send a negative action when:

- The client indicates refusal to provide a verification, or

- The time period given has elapsed and the client has not made a reasonable effort to provide it. BAM 130.

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. Department of Health and Human Services Emergency Relief Manual (ERM) 103 (October 1, 2015), p 6.

On February 18, 2016, the Department received the Petitioner's SER application. On February 18, 2016, the Department sent the Petitioner a Verification Checklist (DHS-3503) with a February 25, 2016, due date. An eligibility interview scheduled for February 25, 2016, was cancelled due to severe weather. On February 26, 2016, the Department notified the Petitioner that her SER application was approved contingent on the Petitioner making her copayment. The Petitioner testified that she made her copayment. On March 10, 2016, the Department sent a Benefit Notice (DHS-176) notifying the Petitioner that the February 26, 2016, notice was incorrect and that SER benefits would not be issued.

The Department's representative testified that benefits were denied because the bank statement the Petitioner submitted was not current and that verification of vehicle ownership was not received.

The Petitioner applied for SER benefits on February 18, 2016, and the checking account statement she submitted verified transactions through January of 2016. The Petitioner testified that she was not aware that vehicle ownership needed to be submitted. The Petitioner testified that she was willing to provide the Department with the information that was requested.

The Department's representative testified that any questions about what verification documents were necessary would have been resolved during the eligibility interview on February 25, 2016, if it had not been cancelled.

This Administrative Law Judge finds that the Petitioner made a reasonable effort to provide the verification documents requested by the Department. It is not clear from the January 2016, checking account statement that this was not the most current statement available at that time. The request for verification of vehicle ownership was requested in the comments section only and no examples of what documents were necessary were listed.

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 did not act in accordance with Department policy when it denied the Petitioner's State Emergency Relief (SER) application.

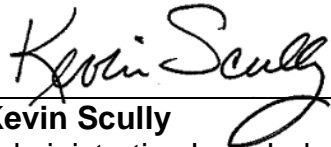
DECISION AND ORDER

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

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

Initiate the reprocessing of the Petitioner's February 18, 2016, State Emergency Relief (SER) application and determine her eligibility for benefits in accordance with policy with adequate notice to the Petitioner.

KS/las



Kevin Scully
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]