



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: [REDACTED] June 2, 2017  
MAHS Docket No.: 17-003901  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Carmen G. Fahie

### **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 [REDACTED], from [REDACTED], Michigan. Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by [REDACTED], Eligibility Specialist, and [REDACTED], Assistance Payments Supervisor.

### **ISSUE**

Did the Department properly deny Petitioner's application for State Emergency Relief (SER) and Medical Assistance (MA)?

### **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 MA.
2. On [REDACTED], Petitioner applied for SER for assistance with relocation.
3. On [REDACTED], the Department Caseworker sent Petitioner a Health Care Coverage Determination Notice, DHS 1606, that she had excess income for MA benefits. Department Exhibit 1, pgs. 2-3.

4. On [REDACTED], the Department Caseworker sent Petitioner a SER Decision Notice, DHS 1419 that her SER application was denied because she did not have a court ordered eviction notice. Department Exhibit 1, pg. 1.
5. On [REDACTED], the Department received a hearing request from Petitioner, contesting the Department's negative action.

### **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 Medical Assistance (MA) program is established by Title XIX of the Social Security Act, 42 USC 1396-1396w-5; 42 USC 1315; the Affordable Care Act of 2010, the collective term for the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152; and 42 CFR 430.10-.25. The Department (formerly known as the Department of Human Services) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

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.

In this case, Petitioner applied for MA on [REDACTED]. On [REDACTED], Petitioner applied for SER for assistance with relocation. On [REDACTED], the Department Caseworker sent Petitioner a DHS 1606 notice that she had excess income for MA benefits. Department Exhibit 1, pgs. 2-3. On [REDACTED], the Department Caseworker sent Petitioner a DHS 1419 notice that her SER application was denied because she did not have a court ordered eviction notice. Department Exhibit 1, pg. 1. On [REDACTED], the Department received a hearing request from Petitioner, contesting the Department's negative action. ERM 303 and 206. BEM 115 and 500.

During the hearing, the Department Caseworker stated that to be eligible for SER relocation services that Petitioner is required to have a court ordered eviction notice. She did not have a court ordered eviction notice when she applied for relocation services, which resulted in a denial of her SER application. In addition, Petitioner had excess income for MA benefits. She would have had to have annual income of \$[REDACTED] for a household size of 1 between the ages of [REDACTED] years of age in order to be eligible. Petitioner had an annual income of [REDACTED], which exceeded the maximum amount for MA. As a result, her MA application was denied due to excess income.

**DECISION AND ORDER**

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 determined that Petitioner had excess income for MA and no court ordered eviction that would make her eligible for SER for relocation services.

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

CF/bb



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**Carmen G. Fahie**  
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]

**Petitioner**

[REDACTED]