



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: August 16, 2017
MAHS Docket No.: 17-007201
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; 42 CFR 438.400 to 438.424; 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 July 20, 2017, from Lansing, Michigan. Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by [REDACTED] [REDACTED] Assisted Payments Worker.

ISSUE

Did the Department properly determine Petitioner's eligibility 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. On December 5, 2016, Petitioner applied for SER. Department Exhibit 1, pg. 6.
2. On December 6, 2016, the Department Caseworker sent Petitioner a State Emergency Relief Decision Notice, DHS 1419, stating the Department would pay \$ [REDACTED] and her co-payment was \$ [REDACTED] for a total of \$ [REDACTED] for the furnace replacement where she had to verify her copayment by January 4, 2017, in order for the Department to make their payment. Department Exhibit 1, pgs. 7-8.
3. On December 29, 2016, Petitioner sent the Department Caseworker a copy of the furnace replacement bill with the Petitioner's co-pay of \$ [REDACTED] and a balance owed

of \$ [REDACTED] from [REDACTED]. Department Exhibit 1, pg. 12.

4. On April 14, 2017, the Department Caseworker sent [REDACTED] an email with the invoice and paperwork to enroll as a provider. Department Exhibit 1, pg. 15.
5. On April 20, 2017, the Department Caseworker sent Petitioner an Application Notice that the SER provider was not enrolled and she is not eligible for SER. Department Exhibit 1, pg. 20.
6. On May 8, 2017, Petitioner emailed her Department Caseworker that [REDACTED] had not been paid even though he had submitted all the documents that the Department Caseworker required and wanted to know what the delay was. Department Exhibit 1, pg. 13.
7. On May 9, 2017, the Department Caseworker sent Petitioner a response back that she did have the paper work for him to enroll as a provider and his company is not listed as a provider. She needed a provider number in order for him to get paid. Department Exhibit 1, pg. 13.
8. On May 9, 2017, the vendor submitted the provider information and the Department Caseworker forwarded the application to Lansing for enrollment.
9. On May 25, 2017, 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 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, On December 5, 2016, Petitioner applied for SER. Department Exhibit 1, pg. 6. On December 6, 2016, the Department Caseworker sent Petitioner a State Emergency Relief Decision Notice, DHS 1419, stating the Department would pay \$ [REDACTED] and her co-payment was \$ [REDACTED] for a total of \$ [REDACTED] for the furnace replacement where she had to verify her copayment by January 4, 2017, in order for the Department to make their payment. Department Exhibit 1, pgs. 7-8. On December 29, 2016, Petitioner sent the Department Caseworker a copy of the furnace replacement bill with

Petitioner's co-pay of \$ [REDACTED] and a balance owed of \$ [REDACTED] from [REDACTED]. Department Exhibit 1, pg. 12.

On April 14, 2017, the Department Caseworker sent [REDACTED] an email with the invoice and paperwork to enroll as a provider. Department Exhibit 1, pg. 15. On April 20, 2017, the Department Caseworker sent the Petitioner an Application Notice that the SER provider was not enrolled and she is not eligible for SER. Department Exhibit 1, pg. 20. On May 8, 2017, Petitioner emailed her Department Caseworker that [REDACTED] had not been paid even though he had submitted all the documents that the Department Caseworker required and wanted to know what the delay was. Department Exhibit 1, pg. 13. On May 9, 2017, the Department Caseworker sent Petitioner a response back that she did have the paper work for him to enroll as a provider and his company is not listed as a provider. She needed a provider number in order for him to get paid. Department Exhibit 1, pg. 13. On May 9, 2017, the vendor submitted the provider information and the Department Caseworker forwarded the application to Lansing for enrollment. On May 25, 2017, the Department received a hearing request from Petitioner, contesting the Department's negative action. ERM 304 and 401.

During the hearing, Petitioner stated that she submitted written verification of her co-pay and balance due timely on December 29, 2016. She submitted her verification timely with enough time for the vendor to apply to be a provider in order to get paid. There was nothing on the notice stating that the vendor had to be on the provider list in order to get paid on the SER notice that Petitioner received on December 6, 2016. This Administrative Law Judge finds that the bill was not processed timely and that there was enough time for the vendor to submit a provider application and get approved to be a provider. The vendor did get approved to be a provider for the State of Michigan. He is a provider and can be paid for the furnace replacement.

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it denied Petitioner her vendor's furnace replacement payment for SER.

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 of initiating a redetermination of Petitioner's eligibility for SER based on her December 5, 2016, SER application where she submitted written verification of her co-payment and balance due of furnace replacement to her Department Caseworker timely on December 29, 2016, and her vendor is now an approved provider with the State of Michigan for the Department to pay their part of her furnace replacement.

Based on policy, the Department should provide Petitioner with written notification of the Department's revised eligibility determination and issue Petitioner any retroactive benefits she/he may be eligible to receive, if any.

Carmen G. Fahie

CF/md

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]