



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: September 26, 2017
MAHS Docket No.: 17-009262
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Gary Heisler

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 September 13, 2017, from Lansing, Michigan. Petitioner was represented by himself. The Department was represented by Eligibility Specialist [REDACTED] [REDACTED] and Hearing Facilitator [REDACTED] [REDACTED].

ISSUE

Did the Department properly deny Petitioner's June 28, 2017, 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 June 22, 2017, Petitioner's basement flooded due to a sewer back up.
2. On June 24, 2017, [REDACTED] resolved the problem. Respondent was charged [REDACTED] for the service and it was paid the same day with a post-dated check. The check was dated June 30, 2017.
3. On June 28, 2017, Petitioner submitted a State Emergency Relief (SER) application for the service provided.
4. On June 29, 2017, Petitioner was sent a State Emergency Relief Decision Notice (DHS-1419) which stated his State Emergency Relief (SER) application was denied because the emergency had already been resolved.

5. On July 6, 2017, [REDACTED] cashed the check used to pay for their service.
6. On July 7, 2017, Petitioner submitted a hearing request.

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.

ERM 103 Application Procedures, at page 3 under Eligibility Determination provides:

Approval

Certain conditions must be met before SER can be issued to help individuals and families whose health and safety are threatened:

Prior written or oral approval must be given by an authorized department staff person before SER issuance.

Do not issue SER to reimburse expenses incurred or paid without prior department approval.

The SER payment must resolve the emergency.

The group must meet all applicable policy requirements for the SER service.

In this case, Petitioner asserts that if the service provider had told him to get approval from the Department first, he could have been reimbursed for the repair. Petitioner also asserts that the check was not cashed until after the SER application was denied.

The post-dated check was not cashed until several days after the service was rendered. However, receipt of the check on June 24, 2017, the day of the service, was the point at which the service provider was legally paid. Therefore, the service was paid for without approval by the Department. Denial of the June 28, 2017 State Emergency Relief (SER) application was a correct action. 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 denied Petitioner's June 28, 2017, State Emergency Relief (SER) application.

DECISION AND ORDER

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

GH/nr



Gary Heisler
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]