



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: September 21, 2017
MAHS Docket No.: 17-009761
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 September 19, 2017, 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 processed Petitioner's State Emergency Relief (SER) eligibility.

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 May 22, 2017, Petitioner applied for SER assistance for a heat and electric bill.
2. On May 25, 2017, MDHHS approved Petitioner for \$ [REDACTED] in SER funds, subject to an \$ [REDACTED] copayment by Petitioner to be paid by June 20, 2017.
3. On June 9, 2017, MDHHS received proof of Petitioner's copayment of \$ [REDACTED]
4. On July 4, 2017, Petitioner requested a hearing to dispute the failure of MDHHS to pay Petitioner's heat and electric bill.
5. As of the date of hearing, MDHHS has not issued payment of \$ [REDACTED] towards Petitioner's heat and electric bill.

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 a failure by MDHHS to pay SER funds towards Petitioner's electric and energy bill. The MDHHS case summary stated that Petitioner was denied SER due to excess income. MDHHS forwarded income documents for Petitioner (not admitted as an exhibit) in their hearing packet. The documentation was not considered because evidence was suggestive that MDHHS did not officially deny Petitioner's application.

[MDHHS is to] inform all SER applicants in writing of the decision made on their application. ERM 103 (February 2017), p. 3. Mail or give the DHS-1419, Decision Notice, to the applicant. *Id.*

Petitioner testimony denied receiving written notice of the SER application denial. Petitioner further testified that she made several visits to the MDHHS office in unsuccessful attempts to learn the status of her SER application.

MDHHS did not present a notice of denial with their hearing packet. During the hearing, MDHHS was given time to check their database for a notice of denial; MDHHS was unable to even access their database. Based on presented evidence, it is found that MDHHS did not officially deny Petitioner's SER application.

A failure to mail notice of an application outcome suggests that the application was not processed. The proper administrative remedy for an unprocessed application is to order MDHHS to process the application and send notice of the outcome. As it happens, such an order is not necessary because MDHHS had already processed Petitioner's SER application before the alleged denial.

MDHHS presented a State Emergency Relief Decision Notice (Exhibit A, p. 1) dated May 25, 2017. The notice informed Petitioner of an approval of \$ [REDACTED] subject to a copayment to be made by Petitioner by June 20, 2017.

Given presented evidence, the notice dated 5/25/17, reflects the only verified proper determination of Petitioner's SER eligibility. Thus, MDHHS will be bound by the approval of Petitioner's SER application. The only remaining doubt as to whether MDHHS properly denied SER payment to Petitioner concerned Petitioner's required copayment.

If the SER group meets all eligibility criteria but has a copayment, shortfall or contribution, do not issue payment until the client provides proof that their payment has

been made or will be made by another agency. ERM 208 (October 2015), p. 4. Verification of payment must be received in the local office within the 30-day eligibility period or no SER payment will be made. *Id.* The DHS-1419, Decision Notice, must be used to inform the SER group of the amounts that they must pay and the due date for returning proof of their payment. *Id.*

MDHHS testimony conceded that Petitioner made her required copayment. MDHHS testimony implied that Petitioner provided proof of her copayment within Petitioner's 30-day eligibility period.

It is found that Petitioner timely paid her required SER copayment; thus, there are no verified obstacles to issuance of SER funds. MDHHS will be ordered to issue SER payment for Petitioner's heat and electric bill.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS failed to fully process Petitioner's SER application dated May 22, 2017. It is ordered that MDHHS initiate payment of \$ [REDACTED] towards Petitioner's energy bill. The actions taken by MDHHS are **REVERSED**.

CG/



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]

Petitioner

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]