



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: April 24, 2017
MAHS Docket No.: 17-002974
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 March 30, 2017, from Lansing, Michigan. The Petitioner represented herself. The Department was represented by [REDACTED] [REDACTED] Assistance Payments Supervisor, and [REDACTED] [REDACTED] Eligibility Specialist.

ISSUE

Did the Department of Health and Human Services (Department) properly determined Petitioner's eligibility for State Emergency Relief (SER) benefits?

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 January 10, 2017, the Department received Petitioner's State Emergency Relief (SER) application requesting assistance with energy and relocation services.
2. On January 12, 2017, the Department notified Petitioner that she was approved for State Emergency Relief (SER) benefits contingent on her payment of a co-payment.
3. On January 13, 2017, Petitioner provided the Department with verification that she had made her co-payment.
4. Due to Department error, the Department failed to issue State Emergency Relief (SER) benefits.

5. On February 1, 2017, the Department notified Petitioner that she was approved for State Emergency Relief (SER) benefits but revised her co-pay amounts.
6. On February 15, 2017, the Department received Petitioner's request for a hearing.

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.

SER group members must use their available income and cash assets that will help resolve the emergency. The Department will not authorize a SER payment unless it will resolve the emergency. If an application is made for shelter, heat, electricity or utilities, a determination of required payments must be made. Required payments are determined based on the group size, the group's income and the obligation to pay for the service that existed during each month of the six months prior to application. If the client failed without good cause to make required payments, a short fall amount is determined. The client must pay the shortfall amount toward the cost of resolving the emergency. Department of Health and Human Services Emergency Relief Manual (ERM) 208 (February 1, 2017), pp 1-4.

On January 10, 2017, the Department received Petitioner's SER application requesting assistance with energy and relocation expenses. On January 12, 2017, the Department notified Petitioner that she was approved with a co-payment, and she provided the Department on January 13, 2017, that she had made her co-payment.

However, due to Department error, the Department failed to issue SER benefits. Then it was discovered that Petitioner's SER co-payment had been incorrectly determined. The Department redetermined Petitioner's co-payment amounts and on February 1, 2017, notified Petitioner that she remained eligible for SER benefits but with a higher co-payment amount.

On February 15, 2017, when the Department received Petitioner's request for a hearing, Petitioner had not provided the Department with verification that she had made her co-payment after the Department revised the amount.

Although the incorrect determination of Petitioner's co-payment amount was due to Department error, Petitioner bears the burden of establishing that she is eligible for SER benefits. Petitioner is not eligible for SER benefits until she made her co-payment.

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 Petitioner's eligibility for State Emergency Relief (SER) benefits.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/nr



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]

[REDACTED]

[REDACTED]

[REDACTED]

Petitioner

[REDACTED]