



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: March 13, 2018
MAHS Docket No.: 18-000194
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 07, 2018, from [REDACTED] Michigan. Petitioner was represented by his authorized hearing representative [REDACTED]. The Department was represented by [REDACTED] Assistance Payments Manager.

ISSUE

Did the Department of Health and Human Services (Department) properly deny Petitioner's 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 December 11, 2017, the Department received Petitioner's State Emergency Relief (SER) application seeking assistance with burial expenses. Exhibit A, pp 10-21.
2. Petitioner's representative reported one address on the State Emergency Relief (SER) application, which was [REDACTED] Exhibit A, p 11.
3. On December 11, 2017, the Department sent an Appointment Notice (DHS-170). Exhibit A, pp 7.
4. On December 11, 2017, the Department sent a SER Verification Checklist (DHS-3503-SER) with a December 18, 2017. Exhibit A, pp 8-9.

5. On December 19, 2017, the Department sent notice that it had denied the State Emergency Relief (SER) application. Exhibit A, pp 5-6.
6. On January 4, 2018, the Department received Petitioner's request for a hearing protesting the denial of State Emergency Relief (SER) benefits. Exhibit A, pp 3-4.

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.

Clients must cooperate with the local office in determining initial and ongoing eligibility and this includes the completion of necessary forms. Department of Human Services Bridges Assistance Manual (BAM) 105 (January 1, 2018), p 8.

Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level when it is required by policy, required as a local office option, or information regarding an eligibility factor is unclear, inconsistent, incomplete, or contradictory. The Department uses documents, collateral contacts, or home calls to verify information. A collateral contact is a direct contact with a person, organization, or agency to verify information from the client. When documentation is not available, or clarification is needed, collateral contact may be necessary. Department of Human Services Bridges Assistance Manual (BAM) 130 (April 1, 2017), pp 1-10.

On December 11, 2017, the Department received a SER application seeking assistance with burial expenses. The Department sent a SER Verification Checklist (DHS-3503-SER) to the address listed on the application for assistance requesting information necessary to accurately make an eligibility determination. When the Department did not receive the required information, the application for assistance was denied.

Petitioner's representative testified that he did not receive the request for information in a timely manner because he was not checking the mail at that address regularly.

While a presumption arises that a letter with a proper address and postage will, when placed in the mail be delivered by the postal service, this presumption can be rebutted with evidence that the letter was not received. If such evidence is presented, as it was here, then a question of fact arises regarding whether the letter was received. [Citations

omitted.] Goodyear Tire & Rubber Co v Roseville, 468 Mich 947; 664 NW2d 751 (2003).

In this case, the Department presented substantial evidence that it requested information necessary to make an accurate eligibility determination by sending a SER Verification Checklist (DHS-3503-SER) to the address listed on the application for assistance. The Petitioner failed to rebut the presumption of its receipt.

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 the December 11, 2017, application 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]

Petitioner

[REDACTED]

Authorized Hearing Rep.

[REDACTED]