



RICK SNYDER  
GOVERNOR

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

SHELLY EDGERTON  
DIRECTOR

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Date Mailed: April 25, 2018  
MAHS Docket No.: 18-001859  
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; 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 April 19, 2018, from Detroit, Michigan. Petitioner was represented by [REDACTED]. The Michigan Department of Health and Human Services (MDHHS) was represented by [REDACTED], hearing facilitator.

**ISSUE**

The issue is whether MDHHS properly denied Petitioner's application 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 November 13, 2017, MDHHS received from Petitioner's representative an application for SER seeking assistance with burial costs for Petitioner. Petitioner's application stated that Petitioner's homestead was lost due to foreclosure.
2. On November 15, 2017, MDHHS denied Petitioner's SER due to excess assets.
3. During the application process, MDHSH did not request verification of Petitioner's assets.
4. On February 9, 2018, MDHHS received Petitioner's hearing request disputing denial of SER for burial.

### **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 the Department (formerly known as the Department of Human Services) pursuant to MCL 400.10 and Mich Admin Code, R 400.7001-.7049. MDHHS policies are contained in the Emergency Relief Manual (ERM).

Petitioner's representative requested a hearing to dispute a denial of SER concerning burial costs for Petitioner. MDHHS presented a State Emergency Relief Decision Notice (Exhibit A, pp. 1-3) dated November 15, 2017. The notice stated that Petitioner's SER application was denied due to excess assets. MDHHS testimony indicated that the only asset factored in denying Petitioner's application was Petitioner's homestead.

SER groups with only one member have a \$████ non-cash asset limit. ERM 205 (October 2015) p. 1. For burials, if the decedent is the only group member, there is no asset exclusion. *Id.* The decedent's homestead, vehicle, bank accounts, etc. are all countable if there are no surviving group members or if the asset is not jointly owned with rights of survivorship. *Id.*

In denying Petitioner's SER application, MDHHS appeared to assume that Petitioner was a homestead owner with no other group members. The stated basis for believing that Petitioner was a homestead owner was that their database listed Petitioner as a home owner. MDHHS failed to factor that Petitioner's SER application reported that Petitioner's home was lost due to foreclosure.

Clients must be informed of all verifications that are required and where to return verifications. ERM 103 (October 2017) p. 7. Use the DHS-3503, SER Verification Checklist, to request verification and to notify the client of the due date for returning the verifications. *Id.* The due date is eight calendar days beginning with the date of application [bold lettering removed]. *Id.*

If MDHHS thought Petitioner owned her homestead, MDHHS should have requested verification of loss of homestead after Petitioner's application reported that her homestead was lost to foreclosure. MDHHS testimony conceded that no request for verification was mailed. The proper remedy for the failure to request verification is reversal of Petitioner's SER application denial.


### **DECISION AND ORDER**

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS improperly denied Petitioner's SER application dated November 13, 2017. It is ordered that MDHHS begin to perform the following actions within 10 days of the date of mailing of this decision:

- (1) Reregister Petitioner's application dated November 13, 2017, subject to the finding that MDHHS should have requested verification of Petitioner's loss of foreclosure before denying Petitioner's SER application; and
- (2) Initiate processing of Petitioner's SER application in accordance with MDHHS policy.

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]  
[REDACTED]

**Petitioner**

[REDACTED]  
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