



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED], MI [REDACTED]

Date Mailed: July 11, 2018
MAHS Docket No.: 18-004800
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, a telephone hearing was held on June 14, 2018, from Lansing, Michigan. Petitioner represented herself. The Department of Health and Human Services was represented by Brad Reno, Hearings Facilitator.

ISSUE

Did the Department of Health and Human Services (Department) properly deny Petitioner's application 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 December 20, 2017, the Department received Petitioner's application for State Emergency Relief (SER) benefits. Exhibit A, pp 8-11.
2. On December 21, 2017, the Department sent Petitioner a Verification Checklist (DHS-3503-SER) with a December 28, 2017, due date. Exhibit A, pp 12-13.
3. Respondent failed to return the verification material requested on December 21, 2017, until December 29, 2017. Exhibit A, p 14.
4. On December 28, 2017, the Department notified Petitioner that her December 20, 2017, State Emergency Relief (SER) application had been denied for failure to provide the Department with information necessary to determine her eligibility to receive benefits in a timely manner. Exhibit A, pp 15-16.

5. The Department received verification of Petitioner's income on December 29, 2018. Exhibit A, pp 22-24.
6. On January 29, 2018, the Department notified Petitioner that she was approved for Food Assistance Program (FAP) benefits based in part on the verification material received on December 29, 2017. Exhibit A, pp 17-19.
7. On January 29, 2018, the Department notified Petitioner that she was approved for Medical Assistance (MA) benefits. Exhibit A, pp 20-21.
8. On February 6, 2018, the Department received Petitioner's request for a hearing protesting the denial of her State Emergency Relief (SER) application. Exhibit A, p 6.
9. On March 27, 2018, the Michigan Administrative Hearing System (MAHS) issued an order to the Department to reinstate and reprocess Petitioner's December 20, 2017, application for State Emergency Relief (SER). Exhibit A, pp 25-33.
10. On March 30, 2018, the Department filed a timely request for reconsideration of the March 27, 2018, order reversing the denial of the December 20, 2017, State Emergency Relief (SER) application. Exhibit A, p 37.
11. On April 6, 2018, the Department notified Petitioner that her December 20, 2017, State Emergency Relief (SER) application was reinstated and reprocessed, but that she remained ineligible for State Emergency Relief (SER) benefits. Exhibit A, pp 34-35.
12. On April 11, 2018, the Department received Petitioner's request for a hearing. Exhibit A, p 36.
13. On May 21, 2018, Michigan Administrative Hearing System (MAHS) granted the Department's request for reconsideration and reinstated the December 28, 2017, denial of the December 20, 2017, State Emergency Relief (SER) application. Exhibit A, pp 37-41.

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.

On December 20, 2017, the Department received Petitioner's SER application and requested that she provide documents necessary to verify her eligibility for SER benefits by December 28, 2017. Respondent failed to submit the necessary verification documents by December 28, 2017, and the Department denied the December 20, 2017, SER application.

Petitioner had also applied for FAP and MA benefits. The Department had requested information necessary to determine her eligibility for those programs and some of this information was the same information necessary to determine eligibility for SER assistance. When Petitioner submitted that information on December 29, 2018, it was found by the Department to be timely with respect to her application for FAP and MA benefits, but was untimely with respect to her December 20, 2017, SER application.

On February 6, 2018, Petitioner requested a hearing protesting the denial of SER benefits and on March 27, 2018, MAHS ordered the Department to reinstate and reprocess Petitioner's December 20, 2017, SER application.

On March 20, 2018, the Department filed a request for reconsideration of the March 27, 2018, order reversing the denial of the December 20, 2017, SER application. On May 21, 2018, MAHS granted to the Department's request for reconsideration and reinstated the denial of the December 20, 2017, SER application.

On April 6, 2018, the Department notified Petitioner that her December 20, 2017, SER application was reinstated and reprocessed, but that she remained ineligible for SER benefits.

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The Department will provide an administrative hearing to review the decision and determine the appropriateness. The Michigan Administrative Hearing System (MAHS) may grant a hearing for any of the following:

- Denial of an application and/or supplemental payments.
- Reduction in the amount of program benefits or service.
- Suspension or termination of program benefits or service.
- Restrictions under which benefits or services are provided.
- Delay of any action beyond standards of promptness.
- For FAP only, the current level of benefits or denial of expedited service.
Department of Human Services Bridges Administrative Manual (BAM) 600
(January 1, 2018), pp 3-4.

A request for hearing must be in writing and signed by the claimant, petitioner, or authorized representative. Rule 400.904(1). Moreover, the Department of Human Services Bridges Administrative Manual (BAM) 600 (January 1, 2018), p. 6, provides in relevant part as follows:

The client or authorized hearing representative has 90 calendar days from the date of the written notice of case action to request a hearing. The request must be received anywhere in DHS within the 90 days.

Petitioner is entitled to a hearing protesting the April 6, 2018, denial of her SER application. There is not entitlement to a hearing protesting any other benefit denials because Petitioner's April 11, 2018, request for a hearing was not received within 90 days of the date those denials were mailed to Petitioner by the Department. Petitioner has a right to request reconsideration of the May 21, 2018, Decision and Order of Reconsideration, but her April 11, 2018, request for a hearing is limited to an appeal of the April 6, 2018, denial of SER benefits. The May 21, 2018, decision and order is an action subsequent to the April 11, 2018, request for a hearing.

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.

Clients must be informed of all verifications that are required and where to return verifications. The due date is eight calendar days beginning with the date of application. If the application is not processed on the application date, the deadline to return verifications is eight calendar days from the date verification is requested. This does not change the standard of promptness date. When the eighth day falls on a state-observed holiday, the due date for verifications to be returned will be extended to the following business day. Department of Health and Human Services Emergency Relief Manual (ERM) 103 (October 1, 2017, and January 1, 2018), p 2.

Petitioner applied for SER benefits and a condition of receiving those benefits was to provide verification of her eligibility by December 28, 2017. Petitioner had also applied for FAP and MA benefits with verification for those programs due at a later date. Petitioner's verification documents submitted on December 29, 2017, were timely with respect to her applications for FAP and MA, but untimely with respect to SER. December 28, 2017, was not a state holiday and the Department's offices were open to receive Petitioner's verification documents. The Department was acting in accordance with ERM 103 when it denied the December 20, 2017, application.

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 December 20, 2017, application for State Emergency Relief (SER) benefits on April 6, 2018.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/hb



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) 763-0155; 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

Lindsay Miller
125 E. Union St 7th Floor
Flint, MI 48502

Genesee County (Union), DHHS

BSC2 via electronic mail

T. Bair via electronic mail

E. Holzhausen via electronic mail

Petitioner

[REDACTED]
[REDACTED]
[REDACTED], MI [REDACTED]