



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]
MI [REDACTED]

Date Mailed: August 17, 2018
MAHS Docket No.: 18-006258
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Vicki Armstrong

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, an In-person hearing was held on July 25, 2018, at the Department of Health and Human Services (Department) in Saginaw, Michigan. Petitioner personally appeared and testified.

The Department was represented by Hearing Facilitator Susan Engel and Assistance Payment Worker Natalie McLaurin. Ms. Engel and Ms. McLaurin testified on behalf of the Department. The Department submitted 49 exhibits which were admitted into evidence. The record was closed at the conclusion of the hearing.

ISSUE

Did the Department properly deny Petitioner's State Emergency Relief (SER) application for Petitioner's failure to return the requested verifications?

FINDINGS OF FACT

The Administrative Law Judge, based on competent, material, and substantial evidence on the whole record, finds as material fact:

1. On [REDACTED], 2018, Petitioner applied for SER benefits. [Dept. Exh. 4-16].
2. On May 25, 2018, the Department mailed Petitioner a Verification Checklist requesting verification of his Vendor Pre-Paid Debit Card due by June 1, 2018. [Dept. Exh. 27-28].
3. On June 1, 2018, the Department mailed Petitioner a State Emergency Relief Decision Notice informing him that his SER application was denied because he

failed to verify or allow the Department to verify information necessary to determine eligibility for the program. [Dept. Exh. 36-38].

4. On June 8, 2018, Petitioner submitted a Request for Hearing contesting the denial of SER benefits. [Dept. Exh. 2-3].
5. Petitioner initially stated that he had no way of getting the requested information to the Department. As the hearing continued, Petitioner described his day of June 1, 2018, as being out in the community paying bills. Petitioner alternately stated that he had no transportation to get to the Department versus he did not understand what the Department was requesting. It should be noted that at the start of the hearing in the above captioned matter, Petitioner did hand to the Department the requested Vendor Pre-Paid Debit Card receipts, indicating his balance as of June 1, 2018, thereby showing that he knew what the Department had requested of him.

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.

Department policy states that clients must cooperate with the local office in determining initial and ongoing eligibility. BAM 105, p 9 (1/1/2018). This includes completion of the necessary forms. *Id.* Clients who are able but refuse to provide necessary information or take a required action are subject to penalties. *Id.* Clients must take actions within their ability to obtain verifications. *Id.* at 14.

Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130, p 1 (4/1/2017). Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. *Id.*

The Department uses the Verification Checklist, DHS-3503, to tell the client what verification is required, how to obtain it and the due date. BAM 130, p 3. The client must obtain the required verification, but the Department must assist if they need and request help. *Id.*

A client is allowed 10 calendar days (or other time limit specified in policy) to provide the verification requested by the Department. BAM 130, p 7. The Department sends a

negative action notice when the client indicates refusal to provide a verification, or the time period given has elapsed and the client has not made a reasonable effort to provide it. *Id.* at 7.


In this case, Petitioner applied for SER on [REDACTED], 2018. On May 25, 2018, the Department mailed Petitioner a Verification Checklist with a due date of June 1, 2018. Petitioner failed to timely return the requested verification of his balance on his Vendor Pre-Paid Debit Card. On June 1, 2018, the Department issued a State Emergency Relief Decision Notice indicating Petitioner's SER application was denied for failure to timely return the requested verifications. Petitioner did not dispute that he failed to timely return verification.

As a result, this Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department acted in accordance with Department policy when it denied the Petitioner's SER application.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.

VLA/nr



Vicki Armstrong
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

Kathleen Verdoni
411 East Genesee
PO Box 5070
Saginaw, MI
48607

Saginaw County DHHS- via electronic
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BSC4- via electronic mail

T. Bair- via electronic mail

E. Holzhausen- via electronic mail

Petitioner

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