



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

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Date Mailed: September 20, 2018
MAHS Docket No.: 18-006690
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 August 9, 2018, from Lansing, Michigan. Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Greg Fulson, Hearing Facilitator.

ISSUE

Did the Department properly determine Petitioner's eligibility 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 ██████████, 2018, Petitioner submitted an SER application for assistance with home repairs. Department Exhibit 1, pgs. 1-7.
2. On May 21, 2018, the Department Caseworker sent Petitioner a Verification Checklist, DHS 3503, for written verifications that was due May 31, 2018. Department Exhibit 1, pgs. 10-11.
3. On May 21, 2018, the Department Caseworker sent Petitioner a State Emergency Relief Decision Notice, DHS 1419, that Petitioner's SER application was denied

because the contractor does not have a valid license to provide the service. Department Exhibit 1, pgs. 13-15.

4. On June 22, 2017, the Department received a hearing request from Petitioner, contesting the Department negative action.

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.

In this case, Petitioner submitted an SER application for assistance with home repairs on [REDACTED], 2018. Department Exhibit 1, pgs. 1-7. On May 21, 2018, the Department Caseworker sent Petitioner a Verification Checklist, DHS 3503, for written verifications that was due May 31, 2018. Department Exhibit 1, pgs. 10-11. On May 21, 2018, the Department Caseworker sent Petitioner a State Emergency Relief Decision Notice, DHS 1419, that Petitioner's SER application was denied because the contractor does not have a valid license to provide the service. Department Exhibit 1, pgs. 13-15.

This Administrative Law Judge finds that the Department did not give Petitioner until May 31, 2018, to submit a valid quote as cited in the Verification Checklist. Even if the one quote submitted was not usable, she still had more time. However, when the Department sent her a denial notice on May 21, 2018, she thought that she was denied. ERM 304. BAM 105, 115, 130, and 600.

DECISION AND ORDER

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it sent a denial notice out on May 21, 2018, when Petitioner had until May 31, 2018, to submit an eligible quote..

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

The Department is ordered to begin doing the following, in accordance with department policy and consistent with this hearing decision, within 10 days of the date of mailing of this decision and order: initiate a redetermination of Petitioner's eligibility for SER

retroactive to her SER application dated [REDACTED], 2018, by sending out a new Verification Checklist, DHS 3503.

Based on policy, the Department should provide Petitioner with written notification of the Department's revised eligibility determination and issue Petitioner any retroactive benefits she/he may be eligible to receive, if any.

CF/dh



Carmen G. Fahie
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

Mark Epps
4809 Clio Road
Flint, MI 48504

Genesee County, DHHS

BSC2 via electronic mail

T. Bair via electronic mail

E. Holzhausen via electronic mail

Petitioner

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