



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

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Date Mailed: February 7, 2019
MAHS Docket No.: 18-012195
Agency No.: ██████████
Petitioner: ██████████

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 January 15, 2019, from Lansing, Michigan. Petitioner represented herself. The Department was represented by Christine Brown.

ISSUE

Did the Department of Health and Human Services (Department) properly deny Petitioner's application for State Emergency Relief (SER) assistance?

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, the Department received Petitioner's application for State Emergency Relief (SER) assistance with utility bills and assistance to avoid eviction.
2. On ████████ 2018, the Department sent Petitioner a SER Verification Checklist (DHS-3503-SER) requesting verification of a real estate asset by November 7, 2018. Exhibit A, pp 4-5.
3. On November 8, 2018, the Department notified Petitioner that her request for State Emergency Relief (SER) assistance had been denied. Exhibit A, pp 2-3.
4. On November 19, 2018, the Department received Petitioner's request for a hearing protesting the denial of State Emergency Relief (SER) assistance.

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 [REDACTED] [REDACTED] 2018, the Department received Petitioner's application for SER assistance with utility bills and to avoid eviction. Petitioner did not dispute that the emergency has been resolved with respect to the threat of eviction.

On October 31, 2018, the Department requested verification of, among other things, the value of a real estate asset owned by Petitioner. On November 8, 2018, the Department had not received verification of the real estate asset, and it denied Petitioner's SER application.

Based on the evidence and testimony available during the hearing, Petitioner failed to provide verification of a countable asset and therefore failed to establish her eligibility for SER benefits.

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 [REDACTED] [REDACTED] 2018, application for State Emergency Relief (SER) benefits.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/dh



Kevin Scully
Administrative Law Judge
for Robert Gordon, Director
Department of Health and Human Services

