



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

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██████████ 48239

Date Mailed: March 12, 2019
MAHS Docket No.: 19-000388
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 February 20, 2019, from Lansing, Michigan. Petitioner represented herself. The Department was represented by Tonya Boyd.

ISSUE

Did the Department of Health and Human Services (Department) properly deny Petitioner's applications for State Emergency Relief (SER) and cash 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) benefits. Exhibit A, pp 4-6.
2. On August 3, 2018, the Department notified Petitioner that her State Emergency Relief (SER) application had been approved pending a \$2,700 co-payment. Exhibit A, pp 8-9.
3. On September 13, 2018, the Department received an estimate for roof repair on Petitioner's home. Exhibit A, p 7.
4. On September 22, 2018, the Department received Petitioner's application for cash assistance. Exhibit A, pp 14-19.

5. On October 30, 2018, the Department notified Petitioner that her application for cash assistance had been denied. Exhibit A, pp 21-25.
6. On January 13, 2019, the Department received Petitioner's request for a hearing protesting the denial of State Emergency Relief (SER) and cash assistance. Exhibit A, p 2.

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 August 1, 2018, the Department received Petitioner's application for SER benefits requesting assistance with roof repairs on her home. On August 3, 2018, the Department approved Petitioner's application for SER benefits pending a \$2,700 co-payment. Upon verification of the co-payment, the Department would pay the lifetime maximum for non-energy-related home repairs of \$1,500. Department of Health and Human Services Emergency Relief Manual (ERM) 103 (January 1, 2018), p 3.

Petitioner objects to the approval of her SER application and required co-payment. Petitioner testified that she only wanted assistance making a required down payment on the roof repair.

Department policy requires proof that a co-payment has been made before any SER benefits are issued. ERM 304, p 4.

The Department will only pay SER benefits for repairs if they are essential to remove a direct threat to health or safety. Department of Health and Human Services Emergency Relief Manual (ERM) 304 (October 1, 2018), p 3. The SER payment must resolve the emergency. ERM 103, p 3.

Petitioner does not dispute that she did not make the required co-payment. Petitioner's request to apply the SER benefits towards the down-payment would not resolve the emergency because there would still be an unmet obligation for the roof to be repaired.

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 refused to issue SER funds for Petitioner's roof repairs before the required co-payment was made.

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Department of Human Services) administers FIP pursuant to 45 CFR 233-260, MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3101-.3131.

The State Disability Assistance (SDA) program is established by the Social Welfare Act, MCL 400.1-.119b. The Department of Health and Human Services (formerly known as the Department of Human Services) administers the SDA program pursuant to 42 CFR 435, MCL 400.10 and Mich Admin Code, R 400.3151-.3180.

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 September 22, 2018, the Department received Petitioner's application for cash assistance. As part of its determination of Petitioner's eligibility for cash assistance, the Department requested that Petitioner provide verification of a bank account, which is a countable cash asset. On October 30, 2018, the Department had not received the requested documents and it denied Petitioner's application for cash assistance.

Petitioner testified that she submitted verification of the bank account when she submitted her application.

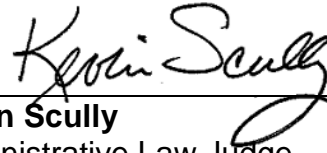
The Department has no record of receiving the bank statement and Petitioner failed to establish that it was submitted to the Department.

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 application for cash assistance.

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

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

Denise McCoggle
27260 Plymouth Rd
Redford, MI 48239

Wayne County (District 15), DHHS

BSC4 via electronic mail

T. Bair via electronic mail

E. Holzhausen via electronic mail

B. Cabanaw via electronic mail

Petitioner

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