



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ORLENE HAWKS
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: August 20, 2019
MOAHR Docket No.: 19-006683
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jacquelyn A. McClinton

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 8, 2019, from Detroit, Michigan. Petitioner represented herself. The Department of Health and Human Services (Department) was represented by [REDACTED], Eligibility Specialist.

ISSUE

Did the 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 March 19, 2019, Petitioner applied for SER benefits seeking assistance with burial expense for her daughter.
2. On March 20, 2019, the Department sent Petitioner a Verification Checklist (VCL) which requested that Petitioner provided current banking statements as well as the balance amount of Petitioner's daughter's prepaid debit card.
3. The required proofs were due on or before March 27, 2019.
4. Petitioner returned all of the required proofs except for the [REDACTED] banking statements and the balance amount on Petitioner's daughter's prepaid debit card.

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.

Additionally, verification is usually required at application/redetermination **and** for a reported change affecting eligibility or benefit level. BAM 130 (April 2017), p. 1. In this case, Petitioner acknowledges that she did not submit all the required documents on the written VCL. However, Petitioner testified that at the time of application, she discussed with her worker the documents that would be needed. Petitioner testified that her assigned worker instructed her to provide records to show that she closed the joint account at █████ Bank. Petitioner explained that she informed her worker that she would be closing the account. Petitioner stated that she was unable to close the joint account as she had not yet received her daughter's death certificate.

The Department testified that it sent Petitioner the VCL on March 20, 2019 and that the required proofs were due on or before March 27, 2018. The Department confirmed that it received all requested documents except those relating to the █████ bank account and the balance amount on Petitioner's daughter's prepaid debit card. Petitioner explained that she did not receive the written VCL until approximately three weeks after she applied for benefits. Petitioner stated that her daughter passed away in the family home and that she did not go back to the home for approximately three weeks.

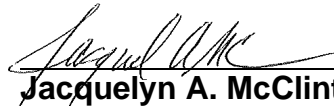
The VCL specifically requested current statements from the banking and financial institution. Petitioner testified that she had only applied for benefits and listed the bank accounts a few months prior to the death of her daughter. As such, Petitioner was aware of the banking institutions in which the Department was seeking verification. While it is understandable that Petitioner did not wish to return to the family home, the Department had no way of knowing that Petitioner would not return home. The Department is required to verify information when determining eligibility. The VCL was sent to the correct address. The Department did not receive information necessary in determining eligibility prior to the due date. As such, it is found that the Department properly denied Petitioner's application 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 March 19, 2019 application for SER benefits.

DECISION AND ORDER

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

JAM/tlf



Jacquelyn A. McClinton
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 Office of Administrative Hearings and Rules (MOAHR).

A party may request a rehearing or reconsideration of this Order if the request is received by MOAHR 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. MOAHR will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Office of Administrative Hearings and Rules
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

Via Email:



Petitioner – Via First-Class Mail:

