



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], MI [REDACTED]

Date Mailed: September 12, 2019
MOAHR Docket No.: 19-008701
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Janice Spodarek

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 September 12, 2019, from Lansing, Michigan. Petitioner is deceased and was represented by [REDACTED] [REDACTED] daughter.

The Department of Health and Human Services (Department) was represented by Keela Morris, APS. Kewanna Hill, APW appeared as a witness.

ISSUE

Did the Department properly deny Petitioner's SER application for burial?

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 June 19, 2019 Petitioner died.
2. On [REDACTED] [REDACTED] 2019 Petitioner's daughter, [REDACTED] [REDACTED] applied for SER burial assistance.
3. On June 26, 2019 the Respondent issued a SER Verification Checklist requesting verification of Petitioner's vendor pre-paid debit card with a balance that includes the balance on the card. The verification was due by July 3, 2019.
4. Petitioner failed to submit the requested verification by the due date.

5. On July 3, 2019 the Respondent denied Petitioner's SER application on the grounds that the Petitioner failed to comply with the verification request.
6. On August 1, 2019 Petitioner requested a hearing arguing that she did not have possession of the 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.

In this case, applicable SER or ERM policy is found at ERM 101, 102, 103, and 306. Other applicable policy is found at BAM 130. These policies, issued pursuant to the statute found at MCL 700.3206(c)(i), Public Act 57 of 2016, and Mich Admin Code, R 400.7001 et seq require the applicant to comply with the Respondent's requests for verification in order to establish eligibility for welfare benefits as required by law and policy.

Here, the Respondent complied with its policy dictates in requesting the required verifications and instructing Petitioner as to when it was due.

Under general evidentiary parameters, Petitioner has the burden of proof by a preponderance of evidence.


Here, Petitioner argues that she could not find the card. Petitioner further argued that she found the card, after the due date, but did not have the pin to access a balance on the card as requested by the Department.

Here the evidence supports by credible and substantial evidence that Petitioner failed to comply with the verification requirements required by law and policy. The Department indicated that it could and would assist applicants in situations when and where they are having trouble obtaining the necessary verification. Here, Petitioner offered no estate trustee or authority by which the Department could assist Petitioner in obtaining the information. Without the verification, under ERM policy and corresponding law and policy, there can be no eligibility. As such, the Respondent's denial must be upheld.

DECISION AND ORDER

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

JS/nr



Janice Spodarek
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

DHHS

Lori Duda
30755 Montpelier Drive
Madison Heights, MI
48071

Oakland 2 County DHHS- via electronic
mail

BSC4- via electronic mail

T. Bair- via electronic mail

E. Holzhausen- via electronic mail

Petitioner

[REDACTED]
MI

Authorized Hearing Rep.

[REDACTED]
MI