



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]
MI [REDACTED]

Date Mailed: September 13, 2019
MOAHR Docket No.: 19-008694
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jeffrey Kemm

HEARING DECISION

Following Petitioner's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9, 7 CFR 273.15, and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on September 11, 2019, from Lansing, Michigan. Petitioner, [REDACTED] [REDACTED] appeared and represented herself. Respondent, Department of Health and Human Services (Department), had Christal Taylor, Eligibility Specialist, appear on its behalf. Neither party had any additional witnesses.

ISSUES

Did the Department properly deny Petitioner's request for State Emergency Relief (SER)?

Did the Department properly terminate Petitioner's Food Assistance Program (FAP) 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 [REDACTED] [REDACTED] 2019, Petitioner applied for SER assistance from the Department. Petitioner submitted her application at an assistance agency (THAW) other than the Department.
2. On May 30, 2019, the Department issued a State Emergency Relief Decision Notice which notified Petitioner that her request was granted on the condition that she provide proof of payment of \$ [REDACTED] towards her utility emergency by June 26, 2019.

3. On June 17, 2019, the Department mailed a verification checklist to Petitioner to obtain information to review her eligibility for assistance. The Department instructed Petitioner to provide the requested documents by June 27, 2019.
4. The Department did not receive proof of Petitioner's payment by June 26, 2019, so it denied her SER.
5. The Department did not receive the documents it requested by June 27, 2019.
6. On July 1, 2019, the Department issued a notice of case action which notified Petitioner that her FAP benefits had been terminated effective August 1, 2019, because she did not provide requested verifications.
7. On July 24, 2019, Petitioner faxed documents to the Department in response to the Department's verification checklist.
8. On August 7, 2019, Petitioner filed a hearing request to dispute the Department's decisions.

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).

STATE EMERGENCY RELIEF

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 pursuant to MCL 400.10 and Mich Admin Code, R 400.7001-.7049.

SER copayments must be made within the SER authorization period, which is 30 days from the date of application for SER. ERM 401 (March 1, 2019), p. 2. The Department may not make a SER payment to a client before the client has provided proof that she has made a required copayment. *Id.* at 1-2. Here, Petitioner did not present any proof to the Department that she made her copayment within the authorization period. Since Petitioner did not prove that she made her required copayment, the Department appropriately withheld Petitioner's SER payment. The Department's actions were not contrary to its policies or the applicable law.

Petitioner asserted that she provided her proof to THAW. That may be true. However, Petitioner was required to provide her proof to the Department, and the Department and THAW are two different entities. Petitioner did not present any evidence to establish that the Department received her proof by the due date.

FOOD ASSISTANCE

The Food Assistance Program (FAP) is established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 273. The Department administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

The Department terminated Petitioner's FAP benefits due to her failure to provide requested verification. The Department must tell a client what verification is required, how to obtain it, and the due date. BAM 130 (April 1, 2017), p. 3. The Department must allow the client 10 calendar days to provide requested verification. *Id.* at 7. Verifications must be received by the Department by the due date in order to be considered timely. *Id.* The Department must send a Negative Action Notice when either (a) the client indicates a refusal to provide a verification or (b) the due date lapses and the client has not made a reasonable effort to provide verifications. *Id.*

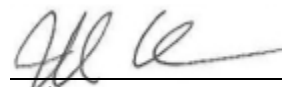
The Department sent Petitioner a verification checklist which instructed Petitioner what verification was required, how to obtain it, and the due date. Petitioner received the verification checklist. It was Petitioner's responsibility to obtain the requested verification and to make sure the Department received it by the due date. Petitioner did not provide the requested verification by the due date, so the Department properly issued a notice of case action which terminated Petitioner's FAP benefits due to her failure to provide the requested verification.

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 did act in accordance with its policies and the applicable law when it denied her request for SER and when it terminated her FAP benefits.

IT IS ORDERED the Department's decision is **AFFIRMED**.

JK/nr



Jeffrey Kemm
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

Denise Ezell
3040 W Grand Blvd Ste 5-450
Detroit, MI
48202

Wayne 23 County DHHS-Pathway to
Potential- via electronic mail

BSC4- via electronic mail

M. Holden- via electronic mail

D. Sweeney- via electronic mail

T. Bair- via electronic mail

E. Holzhausen- via electronic mail

Petitioner

[REDACTED]
MI