



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR



Date Mailed: December 27, 2019
MOAHR Docket No.: 19-012312
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 December 18, 2019, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Amber Gibson, Hearing Facilitator. Department Exhibit 1, pp. 1-78 was received and admitted.

ISSUE

Did the Department properly process Petitioner's State Emergency Relief (SER) benefit?

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 August 28, 2019, Petitioner applied for SER.
2. On September 6, 2019, Petitioner was approved for SER and a State Emergency Relief Decision Notice was sent to Petitioner, instructing her to submit proof of copayment by September 26, 2019. (Ex. 1, pp. 19-20)
3. On September 27, 2019, Petitioner submitted proof of copayment. (Ex. 1, p. 21)
4. On September 30, 2019, a SER Decision Notice was sent to Petitioner, informing her that her benefit would not be issued because she failed to submit proof of copayment prior to deadline.

5. On November 6, 2019, Petitioner requested hearing, disputing the failure to issue her SER payment.
6. Petitioner abandoned her appeals with regard to MA and FAP.

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.

The client is notified on the DHS-1419 Decision Notice of their copayment amount and the deadline to return verification, that they have paid their copayment. In Bridges, the worker must pseudo-authorize the application in order to establish the deadline date and to issue the DHS-1419. The deadline date is always the last day of the 30-day eligibility period, regardless of when the client requests the service. The client must provide verification of their payment by the last day of the 30-day eligibility period.
ERM 208, p.2


In this case, Petitioner was instructed to provide proof of her copayment before September 26, 2019. Petitioner provided proof of copayment on September 27, 2019. (Ex. 1, p.21) Department policy imposes a strict deadline for submitting proof of copayment and if proof is not submitted prior to the deadline, then benefits are not issued. ERM 208. Petitioner submitted proof of copayment one day late, therefore denial of SER payment was proper and correct.

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 processed Petitioner's SER benefit.

DECISION AND ORDER

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

AM/ml



Aaron McClintic
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

Amber Gibson
5303 South Cedar
P.O. BOX 30088
Lansing, MI 48911

Ingham County DHHS – Via Electronic
Mail

BSC2 – Via Electronic Mail

T. Bair – Via Electronic Mail

E. Holzhausen – Via Electronic Mail

Petitioner

[REDACTED] – Via First Class Mail
[REDACTED] MI [REDACTED]