



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: March 9, 2020
MOAHR Docket No.: 20-000199
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: John Markey

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 March 4, 2020 from Detroit, Michigan. Petitioner appeared and represented himself. The Department of Health and Human Services (Department) was represented by Krista Murray, Eligibility Specialist, and Ashlee Brown, Eligibility Specialist. During the hearing, a 34-page packet of documents was offered and admitted into evidence as Exhibit A, pp. 1-34.

ISSUE

Did the Department properly deny Petitioner's [REDACTED] 2018 application for State Emergency Relief (SER) benefits to assist with home repairs and property taxes?

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] 2019, Petitioner submitted to the Department an application for SER benefits to assist with home repairs and property taxes. Exhibit A, pp. 18-24.
2. On [REDACTED], 2019, the Department issued to Petitioner an SER Verification Checklist requesting documentation regarding Petitioner's income and other eligibility-related factors concerning the home repair request. Petitioner was instructed to procure the verifications and provide them to the Department by [REDACTED] 2019. Petitioner was warned that failure to provide the requested

verifications by the deadline would result in the denial of his application. Exhibit A, pp. 25-26.

3. Petitioner did not submit anything to the Department by the deadline. Exhibit A, p. 34.
4. On [REDACTED], 2019, the Department issued to Petitioner a State Emergency Relief Decision Notice informing Petitioner that his application for SER benefits was denied as a result of Petitioner's failure to return requested verifications by the deadline. In addition to being denied for failing to turn in verifications, the request for assistance with property taxes was denied because the request was for more than the policy limit of \$[REDACTED]. Exhibit A, pp. 30-32.
5. On [REDACTED] 2019, Petitioner submitted some, but not all, of the requested verifications. Exhibit A, p. 34.
6. On [REDACTED] 2020, Petitioner submitted to the Department a request for hearing objecting to the denial of his December 18, 2019 SER application.

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, Petitioner objects to the Department's denial of his [REDACTED] 2019 application for SER benefits to assist with home repairs and property taxes. The Department denied the application because Petitioner failed to provide requested verifications relating to eligibility-related factors by the deadline.

SER assists clients with emergency situations related to housing and other essential needs. ERM 101 (March 2013), p. 1. In order to be approved, an applicant must verify that he or she is eligible, which includes the verification that an emergency exists and that the applicant meets the financial requirements. ERM 103 (March 2019), p. 1; ERM 101, p. 1. Applicants must be informed of all verifications that are required and where to return verifications. ERM 103, p. 6. The due date for verification is eight calendar days from the date the verification is requested. ERM 103, p. 6. The applicant must make a reasonable effort to obtain required verifications. ERM 103, p. 6. The Department must

deny an application if the applicant does not take action within their ability, including the procurement and providing of verifications. ERM 102 (October 2018), p. 1.

When the Department received the [REDACTED], 2019 application, it appropriately reviewed the information, discovered what was missing, and issued an SER Verification Checklist to Petitioner's address of record. That document clearly detailed what was needed and the deadline for providing the information. Petitioner did not take any actions to provide the required verifications by the deadline. Instead, he waited until the day after the deadline to submit anything at all.

During the hearing, Petitioner explained that he always complied with every request to provide information. However, when asked specifically about this situation, Petitioner was unable to say with any confidence when he made his first submission to the Department. Petitioner conceded that it could have been [REDACTED], 2019. That concession, combined with the Department's electronic case file records showing no submissions during the relevant time period until [REDACTED], 2019, are sufficient to establish by a preponderance of the evidence that no submission was made until [REDACTED], 2019. By that time, it was too late, and the Department had already properly denied the application, per policy.

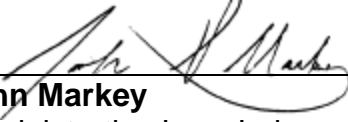
Petitioner is free to submit a new application for the desired SER benefits. Upon providing the verifications requested, the Department will make a new determination as to Petitioner's eligibility for the requested benefits.

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 [REDACTED] 2019 application for SER benefits.

DECISION AND ORDER

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

JM/tm



John Markey
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

Chelsea McCune
27690 Van Dyke
Warren, MI
48093

Petitioner

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

cc: SER-T. Bair; Erich Holzhausen
Macomb County AP Specialist (4)