



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]
[REDACTED], MI [REDACTED]

Date Mailed: June 26, 2020
MOAHR Docket No.: 20-001588
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 May 27, 2020, from Lansing, Michigan. Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Caroline Owczarzak, Eligibility Specialist and Brandi Eiland, Family Independence Manager.

ISSUE

Did the Department properly determine Petitioner's eligibility 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 [REDACTED], Petitioner applied for SER for assistance with a new furnace.
2. On November 15, 2019, the Department Caseworker sent Petitioner a SER Decision Notice, DHS-1419, that she was approved for \$4,000 Department payment with a \$100 co-payment for the SER period of November 7, 2019, through December 6, 2019, with a reminder that the Department payment will not be made until Petitioner provided verification of her co-payment by December 6, 2019 or she would have to reapply. Department Exhibit 1, pg. 3.

3. On December 6, 2019, the Department Caseworker did not receive written verification of the Petitioner's \$100 copayment and her SER benefits expired.
4. On January 9, 2020, Petitioner reapplied for SER benefits for assistance with a new furnace.
5. On January 24, 2020, the Department Caseworker sent Petitioner an SER Decision Notice, DHS-1419, that her SER application was denied due to failure to provide verification. Department Exhibit 1, pg. 4.
6. On January 29, 2020, the Department Caseworker sent Petitioner a Verification Checklist, DHS-3503, that proof of verification was due by February 5, 2020, of verification of bill and statement from the licensed provider. Department Exhibit 1, pg. 5.
7. On January 30, 2020, the Department Caseworker sent Petitioner a SER Decision Notice, DHS-1419, that her SER application was denied due to her emergency being resolved. Department Exhibit 1, pg. 6.
8. On February 11, 2020, the Department received a hearing request from Petitioner, contesting the Department's negative action and a copy of the bill for the new furnace. Department Exhibit 1, pg. 1-2.
9. On February 20, 2020, the Department received written verification of the \$100 copayment made by Petitioner on November 25, 2019, but after December 6, 2019. Department Exhibit 1, pg. 7.

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 applied for SER for assistance with a new furnace on November 7, 2019. On November 15, 2019, the Department Caseworker sent Petitioner an SER Decision Notice, DHS-1419, that she was approved for \$4,000 Department payment with a \$100 co-payment for the SER period of November 7, 2019, through December 6, 2019, with a reminder that the Department payment will not be made until Petitioner provided verification of her co-payment by December 6, 2019, or she would have to reapply. Department Exhibit 1, pg. 3. On December 6, 2019, the Department

Caseworker did not receive written verification of the Petitioner's \$100 co-payment and Petitioner's SER benefits expired.

On January 9, 2020, Petitioner reapplied for SER benefits for assistance with a new furnace. On January 24, 2020, the Department Caseworker sent Petitioner an SER Decision Notice, DHS-1419, that her SER application was denied due to failure to provide verification. Department Exhibit 1, pg. 4. On January 29, 2020, the Department Caseworker sent Petitioner a Verification Checklist, DHS-3503, that proof of verification was due by February 5, 2020, of verification of bill and statement from the licensed provider. Department Exhibit 1, pg. 5. On January 30, 2020, the Department Caseworker sent Petitioner an SER Decision Notice, DHS-1419, that her SER application was denied due to her emergency being resolved. Department Exhibit 1, pg. 6.

On February 11, 2020, the Department received a hearing request from Petitioner, contesting the Department's negative action and a copy of the bill for the new furnace. Department Exhibit 1, pg. 1-2. On February 20, 2020, the Department received written verification of the \$100 copayment made by Petitioner on November 25, 2019, but after December 6, 2019. Department Exhibit 1, pg. 7.

This Administrative Law Judge finds that the Department properly denied the November 7, 2019 application because Petitioner did not provide written verification of the \$100 copayment to the Department by December 6, 2019. However, the Department for the application submitted on January 9, 2020, did not meet their burden because the Verification Checklist gave her until February 5, 2020 to provide the required verification, but her SER application was denied on January 30, 2020.

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 acted in accordance with Department policy when it denied Petitioner's November 7, 2019, SER application for failure to provide verification of payment of the \$100 copayment to the Department by December 6, 2019, and failed to satisfy its burden of showing that it acted in accordance with Department policy when on January 30, 2020, it denied Petitioner's SER application dated January 9, 2020, after she was given until February 5, 2020 to provide required verification.

Accordingly, the Department's decision is **AFFIRMED IN PART** with respect to November 7, 2019, SER application and **REVERSED IN PART** with respect to January 9, 2020, SER application.

The Department is ordered to begin doing the following, in accordance with department policy and consistent with this hearing decision, within 10 days of the date of mailing of this decision and order:

1. Initiate a redetermination of Petitioner's eligibility for SER benefits based on the January 9, 2020, application, by sending out a new Verification Checklist, DHS-3503 for required verifications to determine SER eligibility.
2. Based on policy, the Department should provide Petitioner with written notification of the Department's revised eligibility determination.
3. issue Petitioner any retroactive benefits she may be eligible to receive, if any.

CF/hb



Carmen G. Fahie
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

Bay County via electronic mail

BSC2 via electronic mail

T. Bair via electronic mail

E. Holzhausen via electronic mail

Petitioner

[REDACTED], MI [REDACTED]