



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: March 25, 2021
MOAHR Docket No.: 20-008700
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 February 25, 2021, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Jessica Kirchmeier, Hearing Coordinator, and Jacqueline Washington, Family Independence Manager.

ISSUE

Did the Department properly determine Petitioner's eligibility for the State Emergency Relief (SER) and the county policy exception program?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Petitioner's SER hearing request resulted in two (2) administrative hearings that resulted in the reprocessing of the SER application.
2. Petitioner applied for SER for assistance with a home repair and utility assistance on [REDACTED], 2020. Department Exhibit 1, pgs. 123-129.
3. On November 16, 2020, the Department Caseworker sent Petitioner a Verification Checklist, DHS-3503, for her to provide written verifications due November 30, 2020, of earned and unearned income, estimate of repairs, and proof of home ownership. Department Exhibit 1, pgs. 29-31.

4. On November 30, 2020, the Department received written verification from Petitioner, but the submitted check stubs were not clear. Department Exhibit 1, pgs. 32-38.
5. The Department Caseworker determined that Petitioner had excess income for SER based on her verbal statement. Department Exhibit 1, pgs. 90-100.
6. On December 15, 2020, the Department Caseworker sent Petitioner a State Emergency Relief Decision Notice, DHS-1419, because income copayment exceeds the needs amount. Department Exhibit 1, pgs. 16-18.
7. On December 16, 2020, the Department received a hearing request from Petitioner, contesting the Department's action.
8. On January 13, 2021, the Department Caseworker sent Petitioner a State Emergency Relief Decision Notice, DHS-1419, because income copayment exceeds the needs amount or there was not an SER emergency. Department Exhibit 1, pgs. 39-42.

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's SER hearing request resulted in two (2) administrative hearings that resulted in the reprocessing of the SER application. Petitioner applied for SER for assistance with a home repair and utility assistance on [REDACTED], 2020. Department Exhibit 1, pgs. 123-129. On November 16, 2020, the Department Caseworker sent Petitioner a Verification Checklist, DHS-3503, for her to provide written verifications due November 30, 2020, of earned and unearned income, estimate of repairs, and proof of home ownership. Department Exhibit 1, pgs. 29-31.

On November 30, 2020, the Department received written verification from Petitioner, but the submitted check stubs were not clear. Department Exhibit 1, pgs. 32-38. The Department Caseworker determined that Petitioner had excess income for SER based on her verbal statement. Department Exhibit 1, pgs. 90-100. On December 15, 2020, the Department Caseworker sent Petitioner a State Emergency Relief Decision Notice, DHS-1419, because income copayment exceeds the needs amount. Department Exhibit 1, pgs. 16-18. On December 16, 2020, the Department received a hearing

request from Petitioner, contesting the Department's action. On January 13, 2021, the Department Caseworker sent Petitioner a State Emergency Relief Decision Notice, DHS-1419, because income copayment exceeds the needs amount or there was not an SER emergency. Department Exhibit 1, pgs. 39-42.

During the hearing, Petitioner felt that the Department was not properly budgeting her income. However, based on the income verification submitted Petitioner, she had excess income for SER where her required copayment exceeded her need, or she did not have a shut off notice as required by SER. There was also an Emergency Fund request which was denied because Petitioner was determined to not be eligible based on the county's discretion.

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 determined that Petitioner had excess income where the copayment exceeded the need and there was not an emergency for SER and denied County Emergency Funds was within the county's discretion.

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

CF/hb



Carmen G. Fahie
Administrative Law Judge
for Elizabeth Hertel, 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

Eaton County via electronic mail

BSC2 via electronic mail

T. Bair via electronic mail

E. Holzhausen via electronic mail

Petitioner

[REDACTED]
[REDACTED], MI [REDACTED]