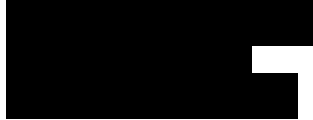




RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

SHELLY EDGERTON
DIRECTOR



Date Mailed: March 27, 2018
MAHS Docket No.: 18-000565
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Ellen McLemore

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 26, 2018, from Detroit, Michigan. Petitioner was present and represented herself. The Department of Health and Human Services (Department) was represented by Tiana Callum, Assistance Payments Supervisor.

ISSUE

Did the Department properly determine Petitioner's State Emergency Relief (SER) eligibility?

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], 2017, Petitioner submitted a request for SER benefits for assistance with her property taxes (Exhibit B).
2. On December 28, 2017, the Department sent Petitioner a State Emergency Relief Decision Notice informing her that her application was approved and that she was subject to a copay of \$460 (Exhibit A).
3. On January 18, 2018, Petitioner submitted a request for hearing.

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 submitted a request for hearing disputing the Department's decision to subject her to a copay. Petitioner submitted an application for SER benefits on [REDACTED], 2017 for assistance with her with her property taxes. The Department retrieved Petitioner's property tax information and determined that her property was subject to foreclosure due to unpaid taxes in the amount of \$575.33 during the year 2015 (Exhibit C). The Department sent Petitioner a State Emergency Relief Decision Notice informing Petitioner that her application for SER benefits was approved, but that she was subject to a copay of \$460. The notice also states that verification of the payment of the copay must be submitted to the Department by January 19, 2018.

SER group members must use their available income and cash assets that will help resolve the emergency. ERM 208 (February 2017), p. 1. The total copayment is the amount the SER group must pay toward their emergency. ERM 208, p. 2. The Department will not authorize an SER payment before a service is provided or before a SER group has made a required copayment, contribution or prorated shortfall. ERM 401 (February 2017), pp 1-2. The SER authorization period is 30 days. ERM 401, p. 2. The authorization period begins on the date the Department receives a signed application for SER and ends 29 days later. ERM 401, p. 2. Additional requests for any SER service during the authorization period is entered by the Department as an additional service, not as a new application. ERM 401, p. 2. Any copayments, shortfalls or contributions that must be paid are subject to the authorization period end date, regardless of the date the service is requested. ERM 401, p. 2.

The Department initially testified that Petitioner's SER application was approved in error, as she did not submit the proper verification to obtain SER benefits for property taxes. However, the Department did send Petitioner notice that her application was approved with information regarding a deductible.

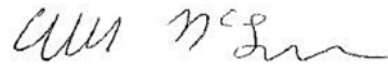
Petitioner testified that she did not believe she should be required to pay a deductible. Petitioner stated she had been making payments towards her delinquent taxes. However, there was no evidence that Petitioner made any payments during the 30-day authorization period. Although Petitioner may have made payments toward her taxes, the full copay must be satisfied within the authorization period. Petitioner provided no

such proof. Therefore, the Department acted in accordance with policy when it determined Petitioner's SER eligibility.

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 Petitioner's SER eligibility. Accordingly, the Department's decision is **AFFIRMED**.

EM/cg



Ellen McLemore
Administrative Law Judge
for Nick Lyon, 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 Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS 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. MAHS will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088; Attention: MAHS Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

Via Email:

MDHHS-Wayne-57-Hearings
T. Blair
E. Holzhausen
BSC4-Hearing Decisions
MAHS

Petitioner – Via First-Class Mail:

