



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]
MI [REDACTED]

Date Mailed: September 24, 2018
MAHS Docket No.: 18-007897
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jeffrey Kemm

HEARING DECISION

Following Petitioner's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on September 19, 2018, from Lansing, Michigan. [REDACTED] Petitioner, appeared and represented herself. Petitioner did not have any additional witnesses. Kathleen Scorpio-Butina, Hearing Facilitator, appeared and represented the Department. The Department did not have any additional witnesses.

One exhibit was admitted into evidence during the hearing. A 23-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

ISSUE

Did the Department properly withhold Petitioner's State Emergency Relief (SER) payment?

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] 2018, Petitioner applied for SER.
2. On May 25, 2018, the Department issued a State Emergency Relief Decision Notice in which the Department notified Petitioner that she had been approved for SER. The Department notified Petitioner that she had to pay a copayment of \$3,230.79 and provide proof to the Department by June 19, 2018. The Department notified Petitioner that it would pay \$1,236.69 after Petitioner provided proof to the Department that she had paid her copayment.

3. The Department did not receive proof that Petitioner paid her copayment amount, so the Department withheld its payment.
4. On July 31, 2018, Petitioner requested a hearing to dispute the Department's decision to withhold its payment.

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.


SER copayments must be made within the SER authorization period, which is 30 days from the date of application for SER. ERM 400 (January 1, 2018), p. 2. The Department may not make a SER payment to a client before the client has provided proof that she has made a required copayment. ERM 400, p. 1-2. Here, Petitioner did not present any proof that she made her copayment within the authorization period. Since Petitioner did not prove that she made her required copayment, the Department appropriately withheld Petitioner's SER payment. The Department's actions were not contrary to its policies or the applicable law.

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 did act in accordance with its policies and the applicable law when it issued its May 25, 2018, notice and when it subsequently withheld its SER payment.

IT IS ORDERED the Department's decision is AFFIRMED.

JK/nr



Jeffrey Kemm
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) 763-0155; 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

DHHS

Lauren Casper
27690 Van Dyke
Warren, MI
48093

Macomb 20 County DHHS- via electronic mail

BSC4- via electronic mail

T. Bair- via electronic mail

E. Holzhausen- via electronic mail

Petitioner

[REDACTED]
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