



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

Date Mailed: December 19, 2018
MAHS Docket No.: 18-010950
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on December 6, 2018, from Lansing, Michigan. Petitioner represented herself. The Department of Health and Human Services was represented by Natalie McLaurin.

ISSUE

Did the Department of Health and Human Services (Department) properly deny Petitioner's State Emergency Relief (SER) application?

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, the Department received Petitioner's State Emergency Relief (SER) application. Exhibit A, pp 4-8.
2. On October 8, 2018, the Department made a collateral contact with Petitioner's utility provider and discovered that Petitioner is enrolled in a shutoff protection plan. Exhibit A, p 16.
3. On October 8, 2018, the Department notified Petitioner that her State Emergency Relief (SER) application had been denied. Exhibit A, pp 12-14.
4. On October 15, 2018, the Department received Petitioner's request for a hearing protesting the denial of her State Emergency Relief (SER) application. Exhibit A, pp 2-3.

5. On October 15, 2018, the Department received a copy of a Landlord-Tenant Judgement dated October 8, 2018. Exhibit A, p 24.

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.

All SER applications require an interview with an adult member of the SER group. An in-person interview is not required but must be granted upon request. At minimum, a phone interview must be completed. Department of Health and Human Services Emergency Relief Manual (ERM) 103 (October 1, 2018), p 1.

On [REDACTED], 2018, the Department received Petitioner's SER application. The application did not indicate the type of assistance Petitioner was requesting. On October 8, 2018, the Department denied the SER application because Petitioner does not meet the criteria to receive assistance with her utility bills. On October 15, 2018, the Department received verification of a pending eviction. On October 18, 2018, the Department re-registered the SER application.

Reinstatement restores a closed program to active status without completion of a new application. Closed programs may be reinstated if the client complied with program requirements before negative action date. Department of Health and Human Services Bridges Administrative Manual (BAM) 205 (January 1, 2018), p 1.

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The Department will provide an administrative hearing to review the decision and determine the appropriateness. The Michigan Administrative Hearing System (MAHS) may grant a hearing for any of the following:

- Denial of an application and/or supplemental payments.
- Reduction in the amount of program benefits or service.
- Suspension or termination of program benefits or service.
- Restrictions under which benefits or services are provided.

- Delay of any action beyond standards of promptness.
- For FAP only, the current level of benefits or denial of expedited service. Department of Human Services Bridges Administrative Manual (BAM) 600 (January 1, 2018), pp 3-4.

The Department denied Petitioner's application without conducting any type of interview. The Department then re-registered Petitioner's application for SER benefits.

However, Petitioner is not eligible to received SER benefits until her eligibility for SER benefits has been established.

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 not act in accordance with Department policy when it denied Petitioner's State Emergency Relief (SER) application.

DECISION AND ORDER

Accordingly, the Department's decision is REVERSED.

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:

Initiate a determination of the Petitioner's eligibility for State Emergency Relief (SER) benefits in accordance with policy.

KS/hb



Kevin Scully
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

Kathleen Verdoni
411 East Genesee
PO Box 5070
Saginaw, MI 48607

Saginaw County, DHHS

BSC2 via electronic mail

T. Bair via electronic mail

E. Holzhausen via electronic mail

Petitioner

