



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED] MI [REDACTED]

Date Mailed: March 12, 2019
MAHS Docket No.: 19-000211
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Amanda M. T. Marler

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 6, 2018, from Detroit, Michigan. The Petitioner was self-represented. The Department of Health and Human Services (Department) was represented by Eileen Kott, Family Independence Manager, and Darrell Gantz, Assistance Payments Worker.

ISSUE

Did the Department properly deny Petitioner's State Disability Assistance (SDA)?

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 December 5, 2018, the Department received Petitioner's application for Cash/SDA assistance.
2. Petitioner was out of town visiting her children and grandchildren from December 6, 2018, through December 30, 2018.
3. On December 17, 2018, the Department issued an Appointment Notice to Petitioner at the same address listed on her application informing her of an Application interview to be held in-person on December 27, 2018, at 9:15 AM at the Gratiot and Seven Mile office of the Department.

4. On December 27, 2018, the Department issued an Application Notice to Petitioner informing her that her Application for Cash/SDA had been denied because she missed her in-person interview scheduled for December 27, 2018.
5. On January 8, 2018, the Department received Petitioner's Request for Hearing disputing the denial of her Cash/SDA application, at the top of the Request for Hearing Petitioner indicated that the programs in dispute were "DTE Energy Bill/Tax Assist/Cash Assist."

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).

State Disability Assistance (SDA)

The SDA program is established by the Social Welfare Act, MCL 400.1-.119b. The Department of Health and Human Services (formerly known as the Department of Human Services) administers the SDA program pursuant to 42 CFR 435, MCL 400.10 and Mich Admin Code, R 400.3151-.3180.

In this case, Petitioner disputed the Department's decision to deny her SDA application based upon her failure to attend an application interview. Following registration of an application, the Department is required to conduct in-person interviews with clients to help determine eligibility, explain program requirements, and gather information except in situations where the information presented in the application or from other sources is clear that the group is ineligible for benefits. BAM 115 (October 2018), pp. 1, 17, 20, 22. Furthermore, in SDA cases, the client or Authorized Representative must sign and date the application in the presence of the Department caseworker even if it was already signed. BAM 115, p. 22. The Department worker must also sign and date the application as a witness. *Id.* If a client is ineligible or refuses to cooperate in the application process, including interviews, the application is denied. BAM 115, p. 24. SDA cases do not allow for rescheduling of interviews or good cause for failure to attend.

In this case, Petitioner was provided with timely notice of the interview; but because she was out of town, she did not receive the notice and did not attend the scheduled interview. Since the Notice of Appointment was mailed to the same address as listed on Petitioner's application and there was no evidence of returned mail, the Department properly closed Petitioner's case for failure to attend the interview.

State Emergency Relief (SER)

The 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.

Petitioner also requested a hearing to dispute assistance with her DTE Energy bill and taxes. SER is a program which helps to prevent serious harm to individuals and families. ERM 101 (March 2013), p. 1. The program may be available to assist low-income households who meet all SER eligibility requirements with things such as household heat and electric costs. ERM 301 (October 2018), p.1. It is also available to help prevent the loss of a home for things such as tax foreclosures or sales. ERM 304 (October 2018), p. 1. In any case, the program is only available to those who are program applicants. ERM 101, p. 1. According to Department records, Petitioner has never filed a SER application or requested assistance with utilities, taxes, or other similar items. Therefore, the Department has not determined Petitioner's eligibility for SER; and there no issue to be decided by this decision. Petitioner's Request for Hearing as it relates to her DTE Energy bill and Taxes is DISMISSED.

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 SDA Application.

DECISION AND ORDER

Petitioner's Request for Hearing as it relates to her DTE Energy bill, Taxes, or SER assistance is DISMISSED.

Accordingly, the Department's decision is **AFFIRMED** with respect to the denial of SDA benefits.



AMTM/jaf

Amanda M. T. Marler
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 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

Dora Allen
MDHHS-Wayne-76-Hearings

Petitioner

[REDACTED]
[REDACTED]
[REDACTED] MI [REDACTED]

BSC4
L Karadsheh