



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ORLENE HAWKS
DIRECTOR

[REDACTED]
[REDACTED], MI [REDACTED]

Date Mailed: July 26, 2019
MOAHR Docket No.: 19-006593
Agency No.: [REDACTED]
Petitioner: Laurie Green-Follett

ADMINISTRATIVE LAW JUDGE: Landis Lain

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 July 24, 2019, from Lansing, Michigan. Petitioner was represented by Petitioner [REDACTED]. The Department of Health and Human Services (Department or Respondent) was represented by Lacy Miller, Hearing Facilitator.

Respondent's Exhibit A pages 1-23 were admitted as evidence.

ISSUE

Did the 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. Petitioner is a FAP benefit recipient. She continues to receive FAP and withdrew her Request for Hearing for FAP only.
2. On [REDACTED], 2019, Petitioner filed an Online Assistance Application for State Emergency Relief with relocation services of \$485 and security deposit of \$485.
3. On June 4, 2019, a DHS-170 Appointment Notice was mailed to Petitioner with a telephone interview scheduled for June 11, 2019, between 11:15 AM and 1:15 PM.

4. On June 6, 2019, the application was processed by a caseworker. Per Bridges case comments, the caseworker called twice, no answer, a voicemail was left with the appointment date and time and the 844-464-2447 phone number.
5. On June 11, 2019, per case comments, a phone call was placed for the scheduled interview. A message was left for Petitioner.
6. On June 12, 2019, the State Emergency Relief application was denied; the mandatory interview was not completed. The housing also appears to be unaffordable based on Petitioner's statement of \$485 in rent vs. \$492 in income.
7. On June 12, 2019, a DHS-1419 State Emergency Relief Decision Notice was mailed to Petitioner.
8. On June 20, 2019, a written request for hearing was received by the Department. Petitioner verbally expressed concerns to the registration clerk at the lobby window regarding her MiBridges account (unable to access) and the numerous help desk tickets that she called in.
9. The registration clerk escalated Petitioner's concerns to management.
10. Petitioner's account has a security safe indicator. The eligibility of Petitioner for benefits is not impacted, but she cannot remote access her account. Due to this security indicator, Petitioner has an increased responsibility to review her mail/correspondence and utilize in-person and telephone contact with her worker/local office.
11. On July 3, 2019, the Michigan Office of Administrative Hearings and Rules received a Hearing Summary and attached documents.

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his or her claim for assistance has been denied. MAC R 400.903(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 of that decision. BAM 600.

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.

Pertinent SER policy indicates:

SER applicants can file or obtain an application until at least 5:00 p.m. each business day. Accept and register an application for SER if the following information is provided:

- Applicant name.
- Address or statement of homelessness.
- Birthdate.
- Applicant's or authorized representative's signature.

Applicant Responsibilities Applicants must cooperate with the following:

- The application process.
- Provide verifications.
- Answer all questions truthfully and completely, whether written or oral. Deny SER if applicants refuse to take action or provide information within their ability, or withdraw their application. (ERM 102, 1)

Verify all non-excluded income, expenses and deductions. For energy services, income verification used in the current eligibility determination for any other DHS program may be used if available. If not available, income must be verified; see ERM 301, Energy Services. (ERM 206, page 6)

Tell the client what verification is required, how to obtain it, and the due date; see Timeliness of Verifications in this item. Use the DHS-3503, Verification Checklist (VCL), to request verification. (BAM 130, page 3)

The client must obtain required verification, but the local office must assist if they need and request help. If neither the client nor the local office can obtain verification despite a reasonable effort, use the best available information. If no evidence is available, use your best judgment. (BAM 130, page 3)

Clients must be informed of all verifications that are required and where to return verifications. The due date is eight calendar days beginning with the date of application. If the application is not processed on the application date, the deadline to return verifications is eight calendar days from the date verification is requested. This does not change the standard of promptness date. Note: When the eighth day falls on a state-observed holiday, the due date for verifications to be returned will be extended to the following business day. Use the DHS-3503, SER Verification Checklist, to request verification and to notify the client of the

due date for returning the verifications. The client must make a reasonable effort to obtain required verifications. The specialist must assist if the applicant needs and requests help. If neither the client nor the specialist can obtain the verifications despite a reasonable effort, use the best available information. If no evidence is available, the specialist must use their best judgment. (ERM 103, page 7)


In the instant case, Petitioner testified on the record that she has never been able to remote access her Mi Bridges account. She filed the SER application but did not receive the verification request because she was evicted and does not have access to her prior apartment/home. She currently resides in a friend's car. She alleges that she didn't have a car, so she did not come into the Department office to check on her application status. Petitioner also alleges that her phone ran out of minutes so she couldn't call the office.

In this case, Petitioner did not provide verification of assets and income in a timely manner for SER eligibility determination. She did not attend the required in-person meeting. The Department has established by the necessary competent, material and substantial evidence on the record that it was acting in compliance with Department policy when it determined that Petitioner State Emergency Relief application should be denied because Petitioner failed to provide verification information in a timely manner. The Department has established its case by a preponderance of the evidence. The Department's actions must be upheld under the circumstances.

DECISION AND ORDER

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

LL/hb



Landis Lain
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 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

Erin Bancroft
105 W. Tolles Drive
St. Johns, MI 48879

Clinton County, DHHS

BSC2 via electronic mail

T. Bair via electronic mail

E. Holzhausen via electronic mail

Petitioner

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