



GRETCHEN WHITMER  
GOVERNOR

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

ORLENE HAWKS  
DIRECTOR

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Date Mailed: November 27, 2019  
MOAHR Docket No.: 19-011409  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: John Markey**

### **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 November 20, 2019 from Detroit, Michigan. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Morgan Hafler, Hearings Facilitator, and Shenita Dancy, Eligibility Specialist. During the hearing, a 21-page packet of documents was offered and admitted into evidence as Exhibit A, pp. 1-21.

### **ISSUE**

Did the Department properly determine Petitioner's Food Assistance Program (FAP) benefits, effective October 1, 2019?

Did the Department properly deny Petitioner's October 2, 2019 application for State Emergency Relief (SER) benefits?

### **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], 2019, Petitioner submitted to the Department an application for SER benefits.
2. On October 2, 2019, the Department issued to Petitioner an SER Verification Checklist requesting information related to Petitioner's income. Petitioner was

instructed to provide the requested proofs by October 9, 2019. Exhibit A, pp. 14-15.

3. On October 9, 2019, Petitioner submitted to the Department all of the proofs that were requested concerning her income.
4. On October 11, 2019, the Department issued to Petitioner a State Emergency Relief Decision Notice informing Petitioner that her [REDACTED] 2019 SER application was denied. The document explains that the application was denied because Petitioner “failed to verify or allow the department to verify information necessary to determine eligibility for this program.” Exhibit A, pp. 11-13.
5. On [REDACTED], 2019, Petitioner submitted to the Department a request for hearing objecting to the Department’s denial of Petitioner’s [REDACTED], 2019 SER application as well as an action taken with respect to Petitioner’s FAP benefits.
6. During the hearing, Petitioner indicated that she was satisfied with the resolution of the issues concerning her FAP benefits and did not wish to proceed on that issue. The Department did not object to Petitioner’s request to withdraw her hearing request with respect to the FAP issue.

### **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 objects to the Department’s denial of Petitioner’s [REDACTED] 2019 application for SER benefits. The basis for the denial was the Department’s determination that Petitioner did not comply with the October 2, 2019 SER Verification Checklist, which required Petitioner to submit wage information to the Department by October 9, 2019. However, during the hearing, the Department confirmed that Petitioner did, in fact, provide the requested proofs on October 9, 2019.

SER assists clients with emergency situations related to housing and other essential needs. ERM 101 (March 2013), p. 1. In order to be approved, an applicant must verify that he or she is eligible, which includes the verification that an emergency exists and that the applicant meets the financial requirements. ERM 103 (March 2019), p. 1; ERM 101, p. 1. Applicants must be informed of all verifications that are required and where to

return verifications. ERM 103, p. 6. The due date for verification is eight calendar days from the date the verification is requested. ERM 103, p. 6. The applicant must make a reasonable effort to obtain required verifications. ERM 103, p. 6. The Department must deny an application if the applicant does not take action within their ability, including the procurement and providing of verifications. ERM 102 (October 2018), p. 1.

Upon receiving Petitioner's [REDACTED] 2019 SER application, the Department properly sought to verify Petitioner's income by issuing the October 2, 2019 SER Verification Checklist. The Department correctly informed Petitioner that she had until October 9, 2019 to return the requested documentation to the Department. Up to that point, the Department's processing of this case was without fault.

The Department went wrong when it seemingly ignored Petitioner's timely submission of the requested verifications on October 9, 2019, resulting in the October 11, 2019 State Emergency Relief Decision Notice denying Petitioner's application for allegedly failing to provide the requested verifications. As Petitioner did in fact provide those verifications, the Department's decision premised on her failure to do so must be overturned.

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it denied Petitioner's [REDACTED], 2019 SER application.

### **DECISION AND ORDER**

Petitioner's hearing request with respect to Petitioner's FAP benefits is **DISMISSED**.

The Department's decision with respect to Petitioner's [REDACTED], 2019 SER application 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:

1. Reprocess Petitioner's [REDACTED], 2019 SER application;
2. If any eligibility-related factors remain unclear, inconsistent, contradictory, or incomplete, follow Department policy regarding requesting and processing verifications;

3. Determine Petitioner's eligibility for SER benefits;
4. If Petitioner is eligible for SER benefits, ensure that they are promptly issued; and
5. Notify Petitioner in writing of its decisions.

JM/tm



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**John Markey**  
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**

Keisha Koger-Roper  
12140 Joseph Campau  
Hamtramck, MI  
48212

**Petitioner**

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

cc: FAP: M. Holden; D. Sweeney  
AP Specialist-Wayne County