



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], MI [REDACTED]

Date Mailed: October 2, 2020
MOAHR Docket No.: 20-005537
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 hearing was held on September 24, 2020, via telephone conference line. Petitioner participated and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by Erik Lewis, supervisor, and Sharon Strickland, specialist.

ISSUE

The issue is whether MDHHS properly denied Petitioner's application for State Emergency Relief (SER).

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], 2020, Petitioner applied for SER seeking money for repairs to her roof and furnace pipes.
2. On April 22, 2020, MDHHS denied Petitioner's SER due to Petitioner not providing an estimate for her home repairs.
3. As of April 22, 2020, MDHHS did not send Petitioner a Verification Checklist requesting an estimate for home repairs.
4. On June 4, 2020, Petitioner requested a hearing to dispute the denial of SER.

CONCLUSIONS OF LAW

The State Emergency Relief (SER) program is established by the Social Welfare Act, MCL 400.1-.119b. The SER program is administered by MDHHS pursuant to MCL 400.10 and Mich Admin Code, R 400.7001-.7049. SER policies are contained in the Emergency Relief Manual (ERM).

Petitioner's hearing request checked that she needed special arrangements to participate in the hearing. Petitioner testified that she was unable to walk without assistance. As the hearing was held via telephone conference line, presumably, no accommodation was needed. When asked during the hearing about special accommodations, Petitioner expressed no need for accommodation.

Petitioner requested a hearing to dispute a denial of a SER application requesting assistance with home repairs. Exhibit A, pp. 3-5. An Application Notice dated April 22, 2020, stated that Petitioner's SER application was denied due to a failure to provide unspecified information. MDHHS testimony clarified that the information needed was written estimates for home repairs.

SER assists with home repairs to correct unsafe conditions. ERM 304 (October 2018) p. 1. Non-energy-related repairs include those to a roof and plumbing. *Id.*, p. 3. The lifetime maximum SER for non-energy home repairs is \$1,500. *Id.*

For all SER applications, clients must be informed of all verifications that are required and where to return verifications. ERM 103 (March 2019) p. 6. MDHHS is to use the DHS-3503, SER Verification Checklist, to request verification and to notify the client of the due date for returning the verifications. *Id.* The due date is eight calendar days beginning with the date of application. *Id.* If the application is not processed on the application date, the deadline to return verification is eight calendar days from the date verification is requested. *Id.*

MDHHS's testimony acknowledged that Petitioner's SER application was denied before estimates of home repairs were requested by SER Verification Checklist. MDHHS testified that Petitioner was verbally advised of the need for estimates. MDHHS's testimony implied an argument that a verbal request for verifications may serve as a written request via checklist. Notably, MDHHS policy does not authorize specialists to verbally request information in the place of a SER Verification Checklist.

A second problem for MDHHS is that it denied Petitioner's application only two days after Petitioner applied. Had MDHHS sent Petitioner a checklist, Petitioner would have been given eight days to return verification.

Given the evidence, MDHHS failed to send Petitioner a SER Verification Checklist before denying Petitioner's application. The evidence further established that MDHHS failed to provide Petitioner with eight days to provide requested information. As a remedy, Petitioner is entitled to a reprocessing of her application.


DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS improperly denied Petitioner's SER application. It is ordered that MDHHS begin to perform the following actions within 10 days of the date of mailing of this decision:

- (1) Re-register Petitioner's SER application dated [REDACTED], 2020; and
- (2) Process Petitioner's SER application subject to the finding that MDHHS failed to send Petitioner a SER Verification Checklist giving at least eight days to return requested verification.

The actions taken by MDHHS are **REVERSED**.

CG/jem



Christian Gardocki
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

Via Email:

MDHHS-Wayne-82-Hearings
BSC4-HearingDecisions
T. Bair
E. Holzhausen
MOAHR

Petitioner – Via USPS:

[REDACTED]
[REDACTED], MI [REDACTED]