



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: May 28, 2021  
MOAHR Docket No.: 21-001867  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Ellen McLemore**

### **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 May 24, 2021, from Detroit, Michigan. Petitioner was present and was unrepresented. The Department of Health and Human Services (Department) was represented by Alberta Frazier, Family Independence Specialist.

### **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. On [REDACTED], 2021, Petitioner submitted an application for SER benefits for assistance with a furnace replacement.
2. On March 18, 2021, the Department sent Petitioner an SER Verification Checklist requesting verification of her home ownership and wages for the previous 30 days (Exhibit A, pp. 8-9).
3. On March 18, 2021, Petitioner submitted verification of her home ownership and one pay statement.
4. On March 26, 2021, the Department sent Petitioner an SER Emergency Relief Decision Notice informing her that her application was denied for her failure to submit the requested verifications (Exhibit A, p. 17).

5. On April 13, 2021, Petitioner submitted a request for hearing disputing the Department's actions.

### **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.

On [REDACTED], 2021, Petitioner submitted an application for SER benefits for replacement of her furnace. On March 18, 2021, the Department sent Petitioner a VCL requesting various verifications. Proofs were due by March 25, 2021.

Applicants may file an SER application in any county in Michigan. ERM 103 (October 2017), p. 1. At application, Clients must be informed of all verifications that are required and where to return verifications. ERM 103, p. 7. The due date is eight calendar days beginning with the date of application. ERM 103, p. 7. 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. ERM 103, p. 7. The Department will use the DHS-3503, SER Verification Checklist, to request verification and to notify the client of the due date for returning the verifications. ERM 103, p. 7. The Department sends a negative action notice when: the client indicates a refusal to provide a verification OR the time period given has elapsed and the client has not made a reasonable effort to provide it. BAM 130 (April 2017), p. 7.

The Department testified that Petitioner did submit verification of her home ownership and a pay statement with a check date of March 12, 2021, for the pay period of February 22, 2021 through March 7, 2021. The Department testified that Petitioner was notified that she failed to submit verification of income for a 30-day period. The Department stated that Petitioner failed to provide additional income verification and her application was denied as a result.

Petitioner stated she was informed that she did not provide income verification for a 30-day period. Petitioner testified that she submitted additional income verification for early February 2020. Petitioner stated she submitted all documentation requested.

The Department sends a negative action when the client indicates a refusal to provide a verification, or the time period given has elapsed and the client has not made a reasonable effort to provide it. Petitioner made a reasonable effort to comply with the

Department's request for information. Therefore, the Department did not act in accordance with policy when it denied Petitioner's SER application.

**DECISION AND ORDER**

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 SER application.

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:

1. Reinstate and reprocess Petitioner's SER application;
2. If Petitioner is entitled to SER benefits, issue benefits in accordance with Department policy; and
3. Notify Petitioner of its SER decision in writing.

EM/jem



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**Ellen McLemore**  
Administrative Law Judge

**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-15-Greydale-Hearings  
BSC4-HearingDecisions  
T. Bair  
E. Holzhausen  
MOAHR

**Petitioner – Via First-Class Mail:**

[REDACTED]  
[REDACTED], MI [REDACTED]