



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

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Date Mailed: July 13, 2022
MOAHR Docket No.: 22-001776
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Ellen McLemore

HEARING DECISION

Following Petitioner's request for a hearing, this matter is before the undersigned Administrative Law Judge (ALJ) 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, an in-person hearing was held on July 7, 2022, from Detroit, Michigan. Petitioner was present and represented himself. The Department of Health and Human Services (Department) was represented by Kyle Williams, Assistance Payments Supervisor; Romerro Hughes, Eligibility Specialist; Tricia Richardson, Assistance Payments Lead Worker; and Karen Stokes, Program Manager.

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 ██████████ 2019, Petitioner submitted an application for SER benefits for home repairs (Exhibit A, pp. 6-17).
2. On December 28, 2021, the Michigan Office of Administrative Hearings and Rules (MOAHR) ordered the Department to reinstate and reprocess the ██████████, 2019 application (case number 19-013927).
3. On January 7, 2021, the Department sent Petitioner a Verification Checklist (VCL) requesting verification of his checking account and that the repairs to the home would make the home livable (Exhibit A, pp. 18-19).

4. On January 7, 2021, the Department sent Petitioner a Verification of Assets form (Exhibit A, pp. 20-21).
5. On January 7, 2021, the Department sent Petitioner a Quick Note stating, "Explanation of DHS-3503 Verification Checklist: Please submit a copy of your September 2019 checking account at [REDACTED] for account ending ([REDACTED]) or you may have bank complete the DHS-0020 Verification of Assets form. Please call you Specialist, Mr. Hughes if you have any additional questions regarding your DHS-3503 SER Verification Checklist (313) 943-5340." (Exhibit A, p. 22).
6. On January 19, 2022, the Department sent Petitioner a State Emergency Relief Decision Notice informing him that his application for SER benefits was denied (Exhibit A, pp. 23-26).
7. On [REDACTED] 2022, 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.

In this case, Petitioner submitted an application for SER benefits. On January 7, 2022, the Department sent Petitioner a VCL requesting verification of his checking account, as well as a Quick Note stating that the verification being sought was of Petitioner's checking account at [REDACTED] for September 2019. Proofs were due by January 14, 2022.

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 testified that Petitioner did not submit the request verifications by the due date. Therefore, Petitioner's SER application was denied. The Department

conceded that verification of Petitioner's bank account was received on January 31, 2022, with Petitioner's account status as of January 31, 2021 (Exhibit A, pp. 27-29). There was no account verification for September 2019.

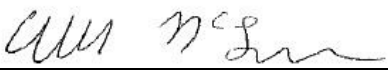
At the hearing, Petitioner testified that he did not receive the VCL and Asset Verification forms until January 14, 2022. Petitioner stated that he did not receive the Quick Note. Petitioner stated that he submitted the Asset Verification form to his bank on January 18, 2022. On January 24, 2022, Petitioner was contacted by his bank requesting that his Social Security Number be listed on the form. Petitioner resubmitted the form, resulting in the verification being submitted untimely.

The undersigned ALJ's responsibility is to determine whether the Department properly followed policy when it denied Petitioner's SER application. The Department sent Petitioner a VCL requesting verification of his checking account, with additional instructions stating that Petitioner needed to submit verification of his checking account from September 2019. Petitioner did not timely submit the requested verifications, nor did he submit the verification for the requisite time period. Although Petitioner stated that he did not receive the Quick Note, the Department presented sufficient evidence that it was sent to Petitioner. The Department properly followed policy when it requested the necessary verification from Petitioner. Petitioner failed to return the requested verification. Thus, the Department acted 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 acted in accordance with Department policy when it denied Petitioner's SER application. Accordingly, the Department's decision is **AFFIRMED**.

EM/tm



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-Electronic Mail :

DHHS / Interested Parties
Tara Roland 82-17
Wayne-Greenfield/Joy-DHHS
8655 Greenfield
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T. Bair
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Via-First Class Mail :

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