



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

██████████
██████████
██████████, MI ██████████

Date Mailed: October 11, 2022
MOAHR Docket No.: 22-004021
Agency No.: ██████████
Petitioner: ██████ ██████

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on October 5, 2022, from Lansing, Michigan. Petitioner represented herself. The Department was represented by Amber Gibson.

ISSUE

Did the Department of Health and Human Services (Department) properly deny Petitioner's application for State Emergency Relief (SER) assistance?

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 ██████████ ██████████ 2022, the Department received Petitioner's application for State Emergency Relief (SER) assistance. Exhibit A, p 5.
2. On August 17, 2022, the Department requested that Petitioner provide verification of an actual bill for the home repairs that she was requesting assistance with by August 24, 2022. Exhibit A, pp 18-19.
3. On August 25, 2022, the Department notified Petitioner that her request for assistance with home repairs had been denied. Exhibit A, p 20.
4. On August 29, 2022, the Department received Petitioner's request for a hearing protesting the denial of her State Emergency Relief (SER) application. Exhibit A, pp 3-4.
5. The hearing request date stamped August 29, 2022, was not signed by Petitioner or an authorized representative. Exhibit A, p 4.

6. On September 1, 2022, the Department received a copy of an invoice for the home repairs Petitioner had completed on her home. Exhibit A, p 23.

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 *et seq.* The Department administers the SER program pursuant to MCL 400.10 of the Social Welfare Act, MCL 400.1 *et seq.*, and Mich Admin Code, R 400.7000 through R 400.7049.

Requests for a hearing must be made in writing and signed by an adult member of the eligible group or the client's authorized hearing representative. Department of Health and Human Services Bridges Administrative Manual (BAM) 600 (March 1, 2021), p 2.

On August 29, the Department received Petitioner's request for a hearing protesting the denial of SER assistance mailed to her on August 25, 2022. Petitioner failed to sign the hearing request. Therefore, Petitioner is not entitled to an administrative hearing protesting the denial of SER assistance because of her incomplete hearing request form.

However, it has been less than 90 days since the notice that the application had been denied was mailed to Petitioner and if Petitioner were to file another hearing request it would still be timely. The review of the denial of Petitioner's application for SER assistance will continue as of she had filed a valid request.

Clients must cooperate with the local office in determining initial and ongoing eligibility and this includes the completion of necessary forms. Department of Human Services Bridges Assistance Manual (BAM) 105 (April 1, 2022), p 9.

Petitioner applied for SER assistance on [REDACTED] 2022, and on [REDACTED] 2022, the Department requested that she provide verification of an actual bill for the home repairs that she was requesting. Petitioner failed to provide verification of her home repair bill in a timely manner, and the Department was unable to accurately determine her eligibility for SER assistance based on the information Petitioner provided. Therefore, the Department was acting in accordance with policy when it denied the application on August 15, 2022.

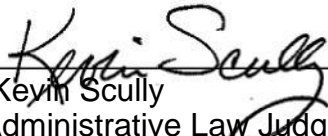
On September 1, 2022, the Department received a copy of an invoice for the home repairs that Petitioner had requested assistance with. Petitioner does not dispute that she paid this bill in cash. Since these home repairs have been completed, and the bill has been paid, Petitioner has failed to establish an emergency situation that can be resolved by SER assistance.

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 [REDACTED] [REDACTED] 2022, application for State Emergency Relief (SER) assistance.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/nr



Kevin Scully
Administrative Law Judge
Michigan Office of Administrative Hearings and
Rules (MOAHR)

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
Amber Gibson
Ingham County DHHS
5303 South Cedar
Lansing, MI 48911
[MDHHS-Ingham-
Hearings@michigan.gov](mailto:MDHHS-Ingham-Hearings@michigan.gov)

Interested Parties
Ingham County DHHS
BSC2
T. Bair
E. Holzhausen

Via-First Class Mail :

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