



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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██████████, MI ██████████

Date Mailed: November 7, 2022  
MOAHR Docket No.: 22-004087  
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 27, 2022, from Lansing, Michigan. Petitioner represented himself. The Department was represented by Kristina Warner, Kyle Vandusen, and Melisa Johnstone.

### **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 6.
2. Petitioner reported on his ████████ ██████ 2022, application form that he is not employed, that he is not self-employed, and that he does not receive additional income. Exhibit A, p 9.
3. Petitioner reported on his ████████ ██████ 2022, application form that he received total monthly income (before taxes) of \$750. Exhibit A, p 10.
4. On August 31, 2022, the Department sent Petitioner a SER Verification Checklist (DHS-3503-SER) requesting verification of his unearned income by September 7, 2022. Exhibit A, p 14.
5. On August 8, 2022, the Department notified Petitioner that his application for State Emergency Relief (SER) assistance had been denied. Exhibit A, p 5.

6. On September 19, 2022, the Department received Petitioner's request for a hearing protesting the denial of State Emergency Relief (SER) assistance. Exhibit A, p 4.

### **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.

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.

Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level when it is required by policy, required as a local office option, or information regarding an eligibility factor is unclear, inconsistent, incomplete, or contradictory. The Department uses documents, collateral contacts, or home calls to verify information. A collateral contact is a direct contact with a person, organization, or agency to verify information from the client. When documentation is not available, or clarification is needed, collateral contact may be necessary. Before determining eligibility, give the client a reasonable opportunity to resolve any discrepancy between his statements and information from another source. Department of Human Services Bridges Assistance Manual (BAM) 130 (January 1, 2021), pp 1-10.

On [REDACTED] 2022, Petitioner applied for SER assistance with a utility bill. On his application for assistance, Petitioner reported that he was not receiving any income, but also listed a gross monthly income on another page. The Department requested that Petitioner provide verification of his income by September 7, 2022, to resolve this discrepancy in his reported circumstances. When Petitioner failed to provide the Department with verification of his income, the Department notified him that his application had been denied.

Petitioner argues that his fixed income, consisting solely of social security benefits, does not change other than annual cost of living increases, and that there was no need to verify his monthly income.

Household income is part of the eligibility criteria for SER assistance and the Department has no reason to assume that Petitioner's social security benefits have not

changed since his previous applications for SER assistance. The fact that Petitioner met the income guidelines previously when requesting SER assistance does not relieve him of his current reporting duties or his duty to verify that his current circumstances have not changed. Further, the Department was required by BAM 130 to resolve the discrepancy on Petitioner's [REDACTED] 2022, application form regarding income.

Petitioner argues that he provided the Department with all the information necessary to determine his eligibility for SER assistance, but he failed to establish that he responded to the SER Verification Checklist mailed on August 31, 2022.

Petitioner argues that the Department failed to use information reported on prior SER applications that were approved when determining his eligibility for assistance on his most recent application. Further, Petitioner argues that he was threatened with the closure of all his benefits.

Applicants for SER assistance have a duty to cooperate with the Department's efforts to ensure an accurate determination of eligibility. Further, when an applicant fails to provide verification of income when applying for SER assistance, the applicant's eligibility for other benefit programs that are affected by income could also change. Notifying Petitioner that his eligibility for ongoing programs could be affected by his failure to verify his circumstances is not a threat, but it was an accurate assessment of his overall benefits case.

Petitioner argues that the Department employees assigned to his case were combative.


A complaint as to alleged misconduct or mistreatment by a state employee shall not be considered through the administrative hearing process but shall be referred to the department personnel director. Mich Admin Code, R 792.11002.

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 application for State Emergency Relief (SER) for failure to provide the Department with information necessary to determine his eligibility to receive benefits.

**DECISION AND ORDER**

Accordingly, the Department's decision is AFFIRMED.

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Kevin Scully  
Administrative Law Judge  
for Elizabeth Hertel, 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-Electronic Mail :**

**DHHS**

Tamara Little  
Jackson County DHS  
301 E. Louis Glick Hwy.  
Jackson, MI 49201  
**MDHHS-Jackson-  
Hearings@michigan.gov**

**Interested Parties**

Jackson County DHHS  
BSC4  
T. Bair  
E. Holzhausen  
MOAHR

**Via-First Class Mail :**

**Petitioner**

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