



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: November 28, 2022
MOAHR Docket No.: 22-004520
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 [REDACTED] 2022. The Petitioner represented herself. The Department of Health and Human Services (Department) was represented by Linda Cortes, Assistance Payments Supervisor and Lavita Brookins, Program Manager.

ISSUE

Did the Department properly determine the Petitioner's eligibility for State Emergency Relief (SER) benefits?

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 September 9, 2022, the Department received an Administrative Hearing decision reversing the Department's action. Department Exhibit 1.
2. On September 9, 2022, the case was transferred to a Department Caseworker.
3. On September 9, 2022, the Department Caseworker sent the Petitioner a Verification Checklist, DHS 3503, that was due September 19, 2022, to determine eligibility for SER benefits. Department Exhibit 2.
4. On September 19, 2022, the Department received the required verification from the Petitioner. Department Exhibit 3.

5. On September 19, 2022, the Department Caseworker sent the Petitioner a Benefit Notice, MDHHS 176, that her SER application was denied from August 18, 2022, through September 16, 2022, due to failure to return requested verifications. Department Exhibit 4.
6. On September 26, 2022, the Department received a hearing request from the Petitioner, contesting the Department's negative action.
7. Due to errors found during the pre-hearing conference on October 10, 2022, the Department Caseworker corrected the errors, and the SER was denied due to the Petitioner not having a past due or disconnection notice.
8. On October 10, 2022, the Department Caseworker sent the Petitioner a State Emergency Relief Decision Notice, DHS 1419, that her SER application was denied because she did not have a past due or shutoff notice. Department Exhibit 5.

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, the Department received an Administrative Hearing decision reversing the Department's action on September 9, 2022. Department Exhibit 1. On September 9, 2022, the case was transferred to a Department Caseworker. On September 9, 2022, the Department Caseworker sent the Petitioner a Verification Checklist, DHS 3503, that was due September 19, 2022, to determine eligibility for SER benefits. Department Exhibit 2. On September 19, 2022, the Department received the required verification from the Petitioner. Department Exhibit 3. On September 19, 2022, the Department Caseworker sent the Petitioner a Benefit Notice, MDHHS 176, that her SER application was denied from August 18, 2022, through September 16, 2022. Department Exhibit 4.

On September 26, 2022, the Department received a hearing request from the Petitioner, contesting the Department's negative action. Due to errors found during the pre-hearing conference on October 10, 2022, the Department Caseworker corrected the errors, and the SER was denied due to the Petitioner not having a past due or disconnection notice. On October 10, 2022, the Department Caseworker sent the Petitioner a State Emergency Relief Decision Notice, DHS 1419, that her SER application was denied

because she did not have a past due or shutoff notice. Department Exhibit 5. ERM 301 and 302.

During the hearing, the Department stated that the Petitioner did not have a past due or shut off notice, which is required for SER eligibility. As a result, the Department properly denied the 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 the Petitioner's SER application because she did not have a past due or shut off notice that is required for SER eligibility.

Accordingly, the Department's decision is **AFFIRMED**.

CF/cc



Carmen G. Fahie
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 :

Interested Parties

MDHHS-Berrien-Hearings
BSC3-HearingDecisions
E. Holzhausen
K. Schulze
MOAHR

Via-First Class Mail :

Petitioner

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