



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: February 10, 2023
MOAHR Docket No.: 23-000103
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 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 February 9, 2023, via conference line. Petitioner was present and was unrepresented. The Department of Health and Human Services (Department) was represented by Valarie Foley, Hearing Facilitator.

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 ██████████, 2022, Petitioner submitted an application for SER benefits (Exhibit A, pp. 12-21).
2. On December 22, 2022, the Department sent Petitioner an Application Notice informing him that his application was denied for his failure to submit a completed application (Exhibit A, pp. 8-11).
3. On January 5, 2023, Petitioner submitted a request for hearing.
4. On January 13, 2023, the Department contacted Petitioner in an attempt to complete the application process.
5. On January 17, 2023, the Department contacted Petitioner in an attempt to complete the application process.

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.

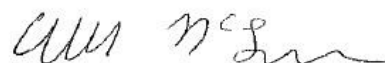
In this case, on [REDACTED] 2022, Petitioner completed an SER application. Petitioner did not include the supplemental form indicating which SER service he was requesting. As a result, the Department denied Petitioner's SER application. The Department attempted to contact Petitioner on January 13, 2023, and January 17, 2023, to complete the application, via interview. However, Petitioner did not answer or return the calls to the Department. As a result, Petitioner's SER application remained denied.

An MDHHS-1171, Assistance Application, is considered an application for SER if the client indicates they are applying for State Emergency Relief and the minimum information is provided, even if the MDHHS-1171-SER supplement has not been submitted. ERM (October 2022) 103, p. 1. In instances where the MDHHS-1171-SER supplement is not received by the department, it should be requested from the client or completed during an interview. ERM 103, p. 1. Incomplete applications may be filed, but must be completed before authorizing SER. ERM 103, p. 1.

The Claimant submitted an incomplete application for SER benefits. The Department attempted to complete the application by way of an interview, but Petitioner did not respond. SER benefits cannot be authorized unless the application process is complete. Therefore, 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**.



Ellen McLemore
Administrative Law Judge

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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
Susan Noel
Wayne-Inkster-DHHS
26355 Michigan Ave
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Hearings@michigan.gov**

Interested Parties
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BSC4
MOAHR

Via-First Class Mail :

Petitioner
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