



GRETCHEN WHITMER  
GOVERNOR

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

ORLENE HAWKS  
DIRECTOR

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

Date Mailed: June 6, 2023  
MOAHR Docket No.: 23-002427  
Agency No.: [REDACTED]  
Petitioner: [REDACTED] [REDACTED]

**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 June 1, 2023, from Lansing, Michigan. Petitioner represented himself. The Department was represented by Valerie Krause.

### **ISSUE**

Did the Department of Health and Human Services (Department) properly deny Petitioner's applications for State Emergency Relief (SER) assistance and cash 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 [REDACTED] [REDACTED] 2023, the Department received Petitioner's application for cash assistance as a household of one. Exhibit A, p 8.
2. On March 20, 2023, the Department sent Petitioner a Medical Determination Verification Checklist (DHS-3503-MRT) with a March 30, 2023, due date. Exhibit A, p 16.
3. On March 31, 2023, the Department received Petitioner's application for State Emergency Relief (SER) assistance. Exhibit A, p 18.
4. On March 31, 2023, the Department sent Petitioner a SER Verification Checklist (DHS-3503-SER) with an April 7, 2023, due date. Exhibit A, pp 24-25.
5. On April 11, 2023, the Department notified Petitioner that his application for State Emergency Relief (SER) assistance had been denied. Exhibit A, p 26.

6. On April 11, 2023, the Department notified Petitioner that his application for cash assistance had been denied. Exhibit A, p 31.
7. On April 24, 2023, the Department received Petitioner's request for a hearing protesting the denial of his applications for State Emergency Relief (SER) and cash assistance. Exhibit A, pp 4-6.

### **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 Disability Assistance (SDA) program is established by the Social Welfare Act, MCL 400.1 *et seq.* The Department administers the SDA program pursuant to 42 CFR 435, MCL 400.10 of the Social Welfare Act, MCL 4001. *et seq.*, and Mich Admin Code, R 400.3151 through 400.3180.

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, 2023), 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. Department of Human Services Bridges Assistance Manual (BAM) 130 (January 1, 2023), pp 1-10.

Petitioner applied for cash assistance claiming disability and SER assistance. The Department requested that Petitioner provide documentation necessary to determine whether his is disabled by March 30, 2023. The Department also sent Petitioner a verification checklist with a due date of April 7, 2023, in order to accurately determine Petitioner's eligibility for assistance within the expected 10-day standard of promptness.

While a presumption arises that a letter with a proper address and postage will, when placed in the mail be delivered by the postal service, this presumption can be rebutted with evidence that the letter was not received. If such evidence is presented, as it was here, then a question of fact arises regarding whether the letter was received. [Citations omitted.] *Goodyear Tire & Rubber Co v Roseville*, 468 Mich 947; 664 NW2d 751 (2003).

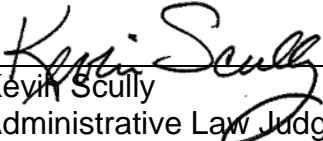
In this case, the Department presented substantial evidence that it mailed two verification checklists to the mailing address listed on his application for assistance and the Petitioner failed to rebut the presumption of receipt. Petitioner is presumed to have received the Department's requests for information and he had a duty to provide the Department with the required information in a timely manner.

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 applications for cash and State Emergency Relief (SER) assistance based on his 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.

KS/nr

  
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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**  
Cindy Tomczak  
Berrien County DHHS  
401 Eighth Street  
Benton Harbor, MI 49023  
**MDHHS-Berrien-  
Hearings@michigan.gov**

**Interested Parties**  
Berrien County DHHS  
BSC3  
J. McLaughlin  
T. Bair  
MOAHR

**Via-First Class Mail :**

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