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GOVERNOR

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

ORLENE HAWKS
DIRECTOR



Date Mailed: August 15, 2023
MOAHR Docket No.: 23-003808
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Danielle Nuccio

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 August 3, 2023. The Petitioner appeared and represented herself. The Department of Health and Human Services (MDHHS) was represented by Jarrod Swartz, Assistant Payments Supervisor.

ISSUE

Did MDHHS properly deny Petitioner's application for State Emergency Relief (SER)?

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] 2023, Petitioner submitted an application for SER for assistance paying her electricity bill (Exhibit A, pp. 7-12).
2. On June 21, 2023, MDHHS issued a SER Decision Notice to Petitioner, informing her that her SER application was denied for failure to cooperate with the Office of Child Support (OCS) (Exhibit A, pp. 14-16).
3. On June 28, 2023, MDHHS received Petitioner's timely submitted hearing request to dispute the denial of her SER application (Exhibit A, pp. 4-6).
4. MDHHS discovered that Petitioner was listed as non-compliant with OCS in error and updated her case on July 12, 2023.
5. On July 12, 2023, MDHHS issued a verification checklist (VCL) to Petitioner, requesting verification of her unearned income.

6. Petitioner did not turn in the requested verifications to MDHHS.
7. On July 25, 2023, MDHHS denied Petitioner's SER application for failure to return the requested verifications.

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).

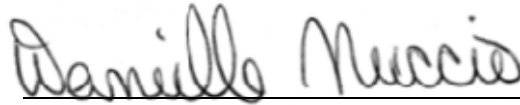
The State Emergency Relief (SER) program is established by the Social Welfare Act, MCL 400.1-.119b. The SER program is administered by the Department (formerly known as the Department of Human Services) pursuant to MCL 400.10 and Mich Admin Code, R 400.7001-.7049.

In this case, Petitioner disputes the denial of her SER application. MDHHS initially denied Petitioner's SER application for failure to cooperate with OCS. Failure to cooperate with OCS, without good cause, results in disqualification from benefits. Disqualification includes member removal, as well as denial or closure of program benefits, depending on the type of assistance. BEM 255 (January 2020), pp. 1-2. In Petitioner's case, MDHHS realized that this denial was in error as Petitioner is in compliance with OCS. MDHHS then issued a VCL to Petitioner requesting verification of her unearned income in order to determine her eligibility for SER. Verification is usually required at application and redetermination and for a reported change affecting eligibility or benefit level. BAM 130 (January 2022), p. 1. MDHHS must tell the client what verification is required, how to obtain it, and the due date. MDHHS is not to close a case and send a negative action notice until the client indicates refusal to provide a verification, or the time period given has elapsed and the client has not made a reasonable effort to provide it. BAM 130, p. 7. In this case, Petitioner testified that she did not submit, or attempt to submit, any verification of her income because she believed that since her SER application was already denied the requested verification information was unnecessary. MDHHS denied Petitioner's SER application again on July 25, 2023, for failure to return the requested verifications. Since Petitioner did not submit the requested verifications to determine her eligibility for SER, MDHHS acted in accordance with policy in processing Petitioner's SER application.

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 MDHHS acted in accordance with Department policy when it denied Petitioner's SER application.

DECISION AND ORDER

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



DN/mp

Danielle Nuccio
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 :

DHHS
MDHHS-Kent-Hearings
E. Holzhausen
J. McLaughlin
MOAHR
BSC3

Via-First Class Mail :

Petitioner

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