



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES  
SUZANNE SONNEBORN  
EXECUTIVE DIRECTOR

MARLON BROWN  
DIRECTOR

[REDACTED]  
[REDACTED]  
[REDACTED]

Date Mailed: July 12, 2024

MOAHR Docket No.: [REDACTED]

Agency No.: [REDACTED]

Petitioner: [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. The Department was represented by Hannah Czechowski. After due notice, a telephone hearing was held on J [REDACTED], from Lansing, Michigan. Petitioner was represented by [REDACTED]. Anatoly Ionin is a recipient of Food Assistance Program (FAP) benefits that had filed a hearing request protesting the reduction of his FAP benefits as well as the denial of State Emergency Relief (SER) assistance. [REDACTED] testified that his grievance is resolved with regard to his FAP benefits has been resolved and he is no longer pursuing that hearing request. Anatoly Ionin wanted to proceed with the hearing request with respect to the denial of SER assistance as the authorized representative. The hearing would normally be titled under the name of the applicant for SER assistance, which was [REDACTED] former spouse, who is now deceased, but instead lists [REDACTED] as petitioner.

### **ISSUE**

Did the Department of Health and Human Services (Department) properly determine Petitioner's (Dina Ionina) eligibility 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. Petitioner is an ongoing recipient of Food Assistance Program (FAP) benefits as a household of one.
2. On [REDACTED] the Department received an application for State Emergency Relief (SER) assistance filed by [REDACTED] requesting assistance with burial expenses for his wife [REDACTED].

3. On [REDACTED] the Department notified [REDACTED] that the State Emergency Relief (SER) application had been denied.
4. On [REDACTED], the Department notified [REDACTED] that the State Emergency Relief (SER) application had been denied because the total of the client contribution amount, the death benefit amount, and the funeral contract amount is greater than the total need amount.
5. On [REDACTED], the Department received the written request for a hearing.

### **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 Food Assistance Program (FAP) is funded under the federal Supplemental Nutrition Assistance Program (SNAP) established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 through 7 USC 2036a. It is implemented by the federal regulations contained in 7 CFR 273. The Department administers FAP pursuant to MCL 400.10 of the Social Welfare Act, MCL 400.1 *et seq.*, and Mich Admin Code, R 400.3001 through 400.3011.

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.

On [REDACTED] the Department received an application for SER burial assistance filed by [REDACTED]  
[REDACTED]

On [REDACTED] the Department denied the application because the total of the client contribution amount, the death benefit amount, and the funeral contract amount is greater than the total need. The Department's representative testified that SER benefits were denied because the amount of assistance requested exceeded the copayment but was unable to explain how the copayment was determined.

The Department carries the burden of going forward with evidence and providing clients with an explanation of how their eligibility for assistance was determined. In this case, the Department was unable to provide a through explanation as to how the copayment was determined, which was the stated reason for denying SER burial assistance. Therefore, the Department has failed to meet its burden.

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it denied the application for State Emergency Relief (SER) assistance based on the copayment amount.

**DECISION AND ORDER**

Petitioner credibly testified that his grievance with respect to his Food Assistance Program (FAP) benefits has been resolved and he withdrew his request for a hearing with respect to those benefits only.

Accordingly, the Department's decision regarding State Emergency Relief (SER) assistance is **REVERSED**.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

Reprocess the [REDACTED], Assistance Application and initiate a determination of the Petitioner's eligibility for State Emergency Relief (SER) assistance.

KS/th



**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**  
Hannah Czechowski  
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**Interested Parties**  
M. Holden  
N. Denson-Sogbaka  
J. McLaughlin  
E. Holzhausen  
BSC2  
MOAHR

**Via-First Class Mail :**

**Petitioner**  
[REDACTED]  
[REDACTED]  
[REDACTED]