



GRETCHEN WHITMER
GOVERNOR

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

MARLON BROWN
DIRECTOR

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

Date Mailed: December 4, 2024
MOAHR Docket No.: 24-012010
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 November 27, 2024, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Sharon Boarder and Rocio Slogar. Department Exhibit 1, pp. 1-25 and Exhibit 2, pp. 1-24 were received and admitted.

ISSUE

Did the Department properly deny Petitioner's State Emergency Relief (SER) and State Disability Assistance (SDA) applications?

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] 2024, Petitioner applied for SDA and SER.
2. On August 16, 2024, a Verification Checklist was sent to Petitioner requesting that she provide information needed to determine her eligibility for SDA.
3. On August 16, 2024, a Department worker attempted to speak to Petitioner by telephone but was unsuccessful.
4. On August 16, 2024, an appointment notice was sent to Petitioner scheduling a phone appointment for August 23.
5. On August 23, 2024, an SER Denial Notice was sent to Petitioner informing her that her SER application was denied because she failed to verify or allow the Department

to verify information necessary to determine eligibility for this program. (Ex. 1, pp. 18-20)

6. On August 27, 2024, Notice of Case Action was sent to Petitioner informing her that her SDA application was denied because she failed to return documentation needed to determine disability. (Ex. 1, pp. 14-17)
7. On October 11, 2024, Petitioner requested hearing disputing the denial of SER and SDA.
8. On November 8, 2024, Petitioner was awarded SER for electrical utility payment in the amount of \$209.91 based on a new application.

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-.119b. The Department of Health and Human Services (formerly known as the Department of Human Services) administers the SDA program pursuant to 42 CFR 435, MCL 400.10 and Mich Admin Code, R 400.3151-.3180.

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.

Per policy, the Department is to send a negative action notice when: 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

In this case, with regard to SER, Petitioner was approved for SER for electrical utility and received payment of \$209.91 on November 8, 2024, towards her outstanding electrical bill. Therefore, her request for hearing as it pertains to SER is moot and will not be addressed.

With regard to SDA, a Verification Checklist was sent to Petitioner on August 16, 2024, requesting proofs regarding her disability. On August 27, 2024, nothing was received in response to this verification checklist prior to the due date and the application was denied for failing to verify information needed to determine disability, that denial was proper and correct and consistent with Department policy. BAM 130


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 SDA application for failing to provide needed verifications.

DECISION AND ORDER

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

AM/ml


Aaron McClintic
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

Renee Olian
Kalamazoo County DHHS
427 E Alcott St
Kalamazoo, MI 49001
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Interested Parties

BSC4
J McLaughlin
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MOAHR

Via First Class Mail:

Petitioner

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