

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED],
Claimant

Reg. No: 200923787
Issue No: 5006; 5008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
October 5, 2009
Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Robert J. Chavez

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon claimant's request for a hearing. After due notice, a hearing was held on October 5, 2009.

ISSUE

Was the claimant's application for SER funds properly denied for failing to return verification of a co-pay?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

- (1) Claimant applied for SER shelter funds in June, 2008.
- (2) Claimant's application was approved with a co-pay of \$786.
- (3) Claimant was to provide proof that this co-pay had been met by July 15, 2008.
- (4) This amount was met by two separate community agencies.

- (5) Claimant was told the agencies would forward proof of co-payment to the Department.
- (6) This proof was misplaced and the resulting miscommunication resulted in claimant's SER payment being denied.
- (7) On February 19, 2009, claimant requested a hearing on the matter; while this request was late, claimant and the Department agreed that it was late due to miscommunication between the Department and claimant and the Department agreed to proceed forward with the hearing.

CONCLUSIONS OF LAW

The State Emergency Relief (SER) program is established by 2004 PA 344. The SER program is administered pursuant to MCL 400.10, *et seq.*, and by final administrative rules filed with the Secretary of State on October 28, 1993. MAC R 400.7001-400.7049. Department of Human Services (DHS or department) policies are found in the State Emergency Relief Manual (ERM).

SER cannot be authorized until a benefit group has made a required shortfall co-payment. ERM 401.

In the current case, claimant has submitted sufficient evidence to show that the co-payment was made and submitted to the Department. It is unknown exactly what happened, but it appears there was some miscommunication between the community agencies and DHS. It does not appear that claimant was at fault.

Claimant submitted an email that, while undated, shows that the community agency involved submitted verification of payment to the Department. Post-hearing, claimant submitted the original approval slip from the agency in question, which had a date of June 27, 2009.

Each exhibit, separately, is not enough to prove claimant's case that verification was submitted. However, when taken in context with the claimant's testimony, the undersigned feels that the evidence as a whole shows that claimant had submitted proper verification. Therefore, the SER payment should be authorized.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department's decision to refuse payment of claimant's SER funds for failing to submit verification of co-payment in July, 2008 was incorrect.

Accordingly, the Department's decision in the above matter is, hereby, REVERSED. The Department is ORDERED to issue the shelter payment for the month in question.



Robert J. Chavez
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 03/12/10

Date Mailed: 03/16/10

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

RJC/dj

cc:

