

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED]

Reg. No: 2009-4248

Issue No: 5006

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

April 20, 2010

Ingham County DHS

Claimant

[REDACTED] ant

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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 telephone hearing was held on April 20, 2010. Claimant appeared and testified.

ISSUE

Did the Department of Human Services properly deny payment of authorized funds due to Claimant's failure to provide proof of fulfilling her payment responsibility?

FINDINGS OF FACT

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

(1) On June 30, 2008, Claimant applied for State Emergency Relief (SER) funds to pay back rent in light of an eviction notice.

(2) On July 9, 2008, a \$ [REDACTED] payment by DHS was approved contingent on Claimant paying [REDACTED] by July 29, 2008.

(3) The Department never received verification of Claimant paying her portion, so the DHS payment was not made.

(4) On September 9, 2008, Claimant submitted a request for 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 (SER).

The sole issue in this hearing is whether Claimant paid her required portion. Claimant asserts she did and that she provided the Department with a receipt before the deadline. At this hearing Claimant testified that she does not remember the date she received the receipt from her landlord or the date she dropped it off at the DHS local office. Claimant further testified that she brought the receipt to the local office, made a copy of it, signed the drop log and left the copy for her case worker. When Claimant was specifically asked she testified that she did call the DHS case worker and inform her of the drop off. The DHS case worker testified that she received two separate phone calls from Claimant and was given five separate dates for the drop off. The DHS case worker testified that she went out and checked the drop log for all five days and found no entries by Claimant and never received any receipt. Based on the totality of the evidence in the record the testimony of the DHS case worker, [REDACTED], is found more credible.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly denied payment of authorized funds due to Claimant's failure to provide proof of fulfilling her payment responsibility.

It is ORDERED that the actions of the Department of Human Services, in this matter, are UPHELD.

/s/

Gary F. Heisler
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: April 21, 2010

Date Mailed: April 22, 2010

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.

GFH/alc

cc:

[REDACTED]