

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No.: 201010829
Issue No.: 2012/5027
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: July 21, 2010
Oakland County DHS (02)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the claimant's request for a hearing. After due notice, a telephone hearing was held on July 21, 2010. The claimant appeared and testified.

ISSUE

Did the Department properly deny the Claimant's State Emergency Relief (SER) and process her son's Medical Assistance (MA) application?

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 18, 2009, the department began a redetermination of the claimant's son's MA.
2. On June 23, 2009, the claimant filed an application for SER rent.
3. On June 24, 2009, the department sent the claimant a verification checklist, requesting income information by July 1, 2009.
4. On July 20, 2009, the department denied the claimant's SER rent application.
5. On July 29, 2009, the Claimant filed a request for a 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 (formerly known as the Family Independence Agency) policies are found in the State Emergency Relief Manual (SER).

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, et seq., and MCL 400.105. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Here, the department denied the claimant's SER application because she did not provide the department with income documentation.

At the hearing the claimant testified that she was homeless after filing the SER application. There is no evidence that the department was made aware of the claimant's impending homelessness. Although this ALJ sympathizes with the claimant, the department cannot be found to have erred when it is incumbent on the claimant to provide a means by which the department can communicate with her or to notify the department of her status of being homeless.

VERIFICATION

Verify all non-excluded income, expenses and deductions. For energy services, income verification used in the current eligibility budget for any other DHS program may be used if available. If not available, income must be verified. See [ERM 301](#). Acceptable methods of verification include:

Unearned Income

Written statements from the department, organization or person administering the payment, showing the monthly amount of the benefit, the amount of deductions, and confirming whether or not the deductions are mandatory.

Recipient award letters if dated within the last 60 days.

Copies of checks or check stubs if dated within the last 60 days.

Electronic data exchange with reliable income source.

Earned Income

Pay stubs.

Form DHS-38, Verification of Employment.

Written statements of the employer.

Business receipts.

Accounting and other business records for self-employed persons.

Written statements of persons paying money to an SER group member in cases where the SER group member provides child care, chore services, room and board, or other services for pay.

Electronic data exchange with reliable income source.

DOCUMENTATION

Document income and deductions on the SER budget. (ERM 206, pp. 5-6).

The claimant's concern for her child's MA is resolved because no negative action was taken on his MA and he still has coverage.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, AFFIRMS the Department's decision in the instant case.



Michael J. Bennane
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: 08/02/2010

Date Mailed: 08/02/2010

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.

MJB/jlg

cc:

