

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

IN THE MATTER OF:



Reg. No: 201046156
Issue No: 5008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
November 3, 2010
Wayne 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 November 3, 2010.

ISSUE

Did the Department of Human Services (DHS) correctly impose a negative case action and a denial of claimant's SER application for failing to return required documentation?

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 in Wayne County.
- (2) Claimant was sent a request for verification.
- (3) Claimant returned all required verification.

- (4) DHS did not process claimant's application, ostensibly because claimant failed to return verification.
- (5) Claimant's SER application was denied on May 6, 2010.
- (6) On May 13, 2010, claimant requested 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 (DHS or Department) policies are found in the State Emergency Relief Manual (ERM).

The Department wrote in their hearing summary that claimant failed to provide verifications necessary to determine SER eligibility.

However, the Department representative failed to attend the hearing, despite numerous phone calls and attempts to get the representative on the phone. The representative was told that they could teleconference into the hearing at any time before the close of the hearing; the Department representative failed to do so. Therefore, the Department did not defend or in anyway explain the actions at hand during the administrative hearing. No evidence was presented on behalf of the Department.

Claimant testified that she returned all required documentation; this was not rebutted by the Department.

Therefore, as the claimant was able to offer testimony regarding the matter at hand and the Department was unable to offer any evidence or testimony relevant to the

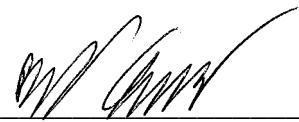
matter at hand, the undersigned holds that the Department has failed to meet their burden of proof in showing that the actions in the current case were correct. The evidence of record shows that claimant submitted all required documentation, and the denial of the claimant's SER application was incorrect.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the claimant submitted all required documentation.

Accordingly, the Department's decision in the above stated matter is, hereby, REVERSED.

The Department is ORDERED to reprocess claimant's SER application retroactively to the date of application. Should the Department still require verification, the Department is to request that verification, per the policies found in the Bridges Administrative and Eligibility Manuals.



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

Date Signed: 11/19/10

Date Mailed: 11/22/10

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:

