

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.: 2010-51559
Issue No.: 5000
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: November 29, 2010
Wayne County DHS (18)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 November 29, 2010. The claimant appeared and testified. [REDACTED], FIM appeared on behalf of the Department.

ISSUE

- (1) Is the claimant entitled to a hearing regarding complaints about the treatment of the Claimant by the assigned case worker and the lack of timeliness of the Department's action regarding the processing of the Claimant's SER application?
- (2) Does the Administrative Law Judge have jurisdiction to hear this matter?

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 filed a request for hearing on August 16, 2010 protesting an issue regarding her SER application for mortgage assistance.
- (2) At the hearing the Claimant confirmed that her SER mortgage relief application had been granted. The Claimant indicated that her complaint was due to the failure of the Department to timely process her SER application.
- (3) The Claimant indicated that it took the department 3 months to process the SER application instead of the 10 days required by policy.

- (4) The Claimant also wished to complain about the actions of her assigned caseworker and also sought to have a new caseworker assigned.
- (5) At the time of the hearing there no negative action or issue which could be heard by the Administrative Law Judge.

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).

Under Bridges Administrative Manual Item 600, clients have the right to contest any negative agency decision affecting eligibility or benefit levels whenever they believe the decision is illegal.

The Claimant requested the hearing with the intent of requesting a ruling regarding the appropriateness the treatment of the Claimant by her caseworker and her complaint that the Department did not timely process her application for State Emergency Relief.

As explained at the hearing, the undersigned has no jurisdiction regarding the timeliness of the processing of the Claimant's SER application, because the Claimant's request for SER mortgage assistance was granted although not in a timely manner. BAM 600 states"

"SOAHR may grant a hearing about any of the following:

- denial of an application and/or supplemental payments
- Reduction in the amount of program benefits or service.
- Suspension or termination of program benefits or service.
- Restrictions under which benefits are services are provided.
- Delay of any action beyond standards of promptness.
- For FAP only, the current level of benefits is denial of expedited service."

In the instant case there is no action or other event that is reviewable by the Administrative Law Judge with regard to the Claimant's hearing request. The Claimant was granted the requested SER assistance and any lack of promptness is no longer an issue in that the requested SER was granted although well beyond the standard of promptness. Complaints about the Claimant's treatment by her assigned caseworker, and a request to be assigned a new case worker are issues over which this Administrative Law Judge has no jurisdiction. This being the case, the Claimant's

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request must be dismissed as there is no issue to be decided by the hearing request. As stated at the hearing the Department will provide the Claimant with the appropriate information to make such a complaint after the hearing so that any grievance the Claimant may have can be addressed by the appropriate forum.

As there was no negative Department action taken by the Department with regard to the Claimant's SER application which was granted and Claimant complaints regarding the conduct of a worker is not a subject to be heard and determined by SOHAR, the Claimant's request for a hearing, must be dismissed for lack of jurisdiction.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that there is no jurisdiction to hear a case.

Accordingly, this case is HEREBY, DISMISSED.



Lynn M. Ferris
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: 11/30/2010

Date Mailed: 11/30/2010

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.

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