

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.: 2010-54211
Issue No.: 5025
Case No.: [REDACTED]
Hearing Date: January 12, 2011
Wayne County DHS (43)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

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 hearing was held in Highland Park, Michigan on Wednesday, January 12, 2011. The Claimant appeared and testified. [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department properly denied the Claimant's State Emergency Relief ("SER") 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. The Claimant submitted a SER application seeking property tax assistance on July 11, 2010.
2. On this date, the Department sent a SER Verification Checklist to the Claimant requesting the information be submitted by July 22, 2010. (Exhibit 1, p. 13)
3. The Claimant failed to submit the requested information by the due date.
4. As a result, the Claimant's SER application was denied.
5. On July 27, 2010, the Claimant submitted the requested verifications. (Exhibit 1, pp. 2 – 6)

6. On September 7, 2009, the Department received the Claimant's timely written request for hearing. (Exhibit 2)

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. The Department of Human Services' [formally known as the Family Independence Agency] policies are found in the State Emergency Relief Manual ("ERM").

Clients must cooperate with the local office in determining initial and ongoing eligibility to include the completion of the necessary forms. BAM 105 Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. BAM 130 Client's are allowed 10 calendar days (or other time limit specified in policy) to provide the requested verifications. *Id* If the client cannot provide the verification despite a reasonable effort, the time limit should be extended at least once. *Id.* A negative action notice is sent when the client refuses to provide the requested verifications or the time period has lapsed for the request and the client has not made a reasonable attempt to provide it. *Id.*

In this case, the Department received the Claimant's SER application July 11, 2010. The Claimant sought assistance with delinquent property taxes. The Claimant received the Verification Checklist however did not submit the requested information until July 27, 2010, after the SER application was denied. Under these facts, it is found that the Department established it acted in accordance with department policy when it denied the SER application for the failure to timely submit the requested verifications necessary to determine eligibility.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law finds the Department's established it acted in accordance with department policy when it denied the Claimant's SER application.

Accordingly, it is ORDERED:

The Department's determination is AFFIRMED.

Colleen M. Mamelka

Colleen M. Mamelka
Administrative Law Judge
For Duane Berger, Director
Department of Human Services

Date Signed: 1/13/2011

Date Mailed: 1/13/2011

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.

CMM/jlg

cc:

