

STATE OF MICHIGAN  
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED],  
Claimant

Reg. No: 2010807  
Issue No: 5012  
Case No: [REDACTED]  
Load No: [REDACTED]  
Hearing Date:  
January 20, 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 January 20, 2010.

ISSUE

Did the Department of Human Services (DHS) correctly deny claimant's 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) Claimant applied for SER on June 1, 2010.
- (2) Claimant's SER application was allegedly denied on August 12, 2009.
- (3) No evidence was submitted to document this allegation.
- (4) No evidence was submitted to justify any denial, and no evidence showing the Department's SER budget was correct could be located.

- (5) On August 17, 2009, claimant requested a hearing on the alleged SER denial.

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).

Under normal circumstances, the undersigned would begin a recitation of the applicable law, and state exactly how it was relevant to the current case. However, these are not normal circumstances. During the course of the hearing, the Department submitted one exhibit: Exhibit 1 consisted of the hearing summary. No other evidence was offered, including notices of the case action.

The undersigned asked the Department if it wished to offer any more supporting evidence and was told by the Department that they were unable to locate the most critical piece of evidence, the SER budget, which would show how the Department arrived at the reason for the SER denial.

Therefore, the Administrative Law Judge rules that the Department has utterly failed to meet their burden of proof in proving that claimant was ineligible for SER. No evidence was offered that the Department decision was correct, other than her caseworker's inconsistent testimony. No documentary evidence was provided. The Department's case packet consisted of 1 page, which was the hearing summary. Therefore, the Department submitted no pieces of actual evidence, much less a piece of evidence which would begin to address the foundation of the Department's claims, which is that a budget had shown that the claimant's housing was unaffordable. The undersigned would also note that no evidence was presented that claimant

was provided proper notice of case action. For these reasons, the undersigned must hold that the Department has not proven their case, nor has it proven anything resembling a case.

The Administrative Law Judge is under no burden to remind the Department of what is needed to prove their case, and will not argue the Department's case for them. If the Department fails to submit adequate evidence, the Administrative Law Judge will rule on the evidence that has been provided. In the current case, no evidence has been provided. Therefore, the undersigned must rule that no action was taken in the current case and that the Department must go back and re-process claimants SER application from scratch.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department has not shown that it has processed an SER budget.

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

The Department is ORDERED to re-process claimant's SER application from the beginning, using all procedures found in the State Emergency Relief Manual.



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

Date Signed: 03/17/10

Date Mailed: 03/26/10

**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

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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:

