

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.: 2010-8166
Issue No.: 5008
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: September 8, 2010
Macomb County DHS (20)

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 September 8, 2010. The claimant appeared and testified. A witness for the Claimant [REDACTED] appeared but did not testify. [REDACTED], ES appeared on behalf of the Department.

ISSUE

Whether the Department properly denied the Claimant's State Emergency Relief (SER) application for tax relief assistance?

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 applied for State Emergency Relief (SER) benefits for relief with her tax bill, electric and heat bills on July 28, 2010.
2. The Department paid the arrearages for the electric and heat bills once the claimant submitted the appropriate shut off notices.
3. The Department denied the claimant's application for relief for her tax bill on her home on in August 3, 2009 because she did not provide a notice of tax delinquency.
4. On August 18, 2010 the claimant did provide the department with a notice of tax delinquency on her home for the tax year 2008. At the time she

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provided the verification the department had already denied the SER application.

5. The Department testified that usually applicants are given 10 days to provide the requested information. In this case the department denied the claimant's SER application after it had been pending for only six days.
6. At the hearing the Department agreed to reinstate the claimant's SER application for tax relief retroactive to the date of application, July 28, 2009.
7. As a result of this agreement, the claimant no longer wished to proceed with the remainder of the 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).

Under Bridges Administrative Manual Item 600, clients have the right to contest any agency decision affecting eligibility or benefit levels whenever they believe the decision is illegal. The agency provides an Administrative Hearing to review the decision and determine if it is appropriate. Agency policy includes procedures to meet the minimal requirements for a fair hearing. Efforts to clarify and resolve the client's concerns start when the agency receives a hearing request and continues through the day of the hearing.

In the present case the Department has agreed to reopen and reregister the Claimant's SER application and allow the claimant the opportunity to provide verification of the tax delinquency.

Since the Claimant and the Department have come to an agreement it is unnecessary for this Administrative Law Judge to make a decision regarding the facts and issues in this case.

Accordingly, the Department shall reopen and re register the claimant's SER application for tax relief retroactive to the date of the application July 28, 2009 and shall make a determination with regard to whether the claimant is eligible for the requested SER relief. Claimant shall provide any necessary verification information required to process the application to determine the claimant's eligibility pursuant to Department policy and the Emergency Relief Manual.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department agreed that it prematurely denied the Claimant's application for SER relief and, thus, agreed to reopen and re register the claimant's SER application and her request for tax relief assistance. As a result of this agreement this Administrative Law Judge is not required to render a decision.

Accordingly, it is ORDERED:

1. The Department shall reopen and reregister the claimant's SER application retroactive to the date of application, July 28, 2009 and shall process the application and determine the claimant's eligibility.
2. The Claimant is required to provide the Department the necessary verification of tax delinquency and shall provide originals of said documents. The department shall advise the claimant and specify what documents are required to satisfy verification of the requested SER will tax relief assistance.
3. The claimant shall have 10 days from the re registration of the claimant's SER application to provide the department the requested information necessary to process the application in accordance with Department policy.
4. The Department shall determine the eligibility of the Claimant's application for SER benefits as of the date of the original application and shall either grant or deny the Claimant's request in accordance with the policies and requirements contained in The State Emergency Relief Manual.



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

Date Signed: 9/9/2010

Date Mailed: 9/9/2010

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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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