

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: 201023459
Issue No: 5003, 5013
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
May 5, 2010
Wayne County DHS

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 conducted on May 5, 2010. The Claimant appeared and testified along with his wife, [REDACTED]. Erin Neiman, FIM and Sandra Reeder, ES appeared on behalf of the Department.

ISSUE

Whether the Department failed to properly process the Claimant's application for State Emergency Relief?

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 on May 15, 2009.

2. The Department misplaced Claimant's SER application and the Claimant's application for Food Assistance benefits and Medical Benefits.
3. The Claimant and his wife filled out the SER application and returned it with the Shut off notice directly to the caseworker.
4. The assigned caseworker said it was not a big bill, and she would place a 10 day hold on it and take care of it.
5. The Claimant's power was turned off because nothing was taken care of as promised and the Department misplaced the SER application. The Claimant had to borrow money to pay the bill and suffered an adverse credit reporting occurrence.
6. None of the Claimant's calls were returned, nor were the calls of the utility company DTE returned when it arrived to shut off the utility at the claimant's home.
7. The amount of the bill due at the time of the Shut Off notice was \$377.41
8. The Claimant's worker was present in the office the day of the hearing but did not attend the hearing because she was working on reviewing and determining the Claimant's original application for FAP benefits as required by a prior hearing decision.
9. Claimant objected to not hearing from the Department regarding his SER application after his utility was shut off, and the department did not respond to the application for SER. The Department received the Claimant's Request for Hearing on November 23, 2009.

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).

The policy governing the eligibility for State Emergency Relief is found in the State Emergency Relief Manual. The policy provides that the state emergency relief is designed to prevent serious harm to individuals and families. SER assists applicants with safe, decent, affordable housing and other essential needs when an emergency situation arises. ERM 101. The requirements are as follows:

- Residents in the state of Michigan are not required. SER serves all persons physically present in Michigan.
- In addition as the art applicants must;
- complete the application process
- meet financial eligibility requirements
- Have an emergency which threatens health or safety and can be resolved through issuance of SER
- Take action within their ability to help themselves, I eat. Obtain potential resources and/or apply for assistance
- Not have caused the emergency
- Cooperate in providing information about income, assets, living arrangements and other persons living in the home
- Deny SER services for applicants who fail to meet any of the above requirements. ERM 102

In the subject case, the Claimant was not assisted by the Department as required by policy and was left in limbo even though he had filed an application. The Claimant and his wife both testified credibly that they received the SER application on the date they applied for FAP and Medical Benefits. They filled it out and returned it immediately and directly to their caseworker with an original Notice of Shut Off from the utility involved. They were assured by

their worker she would take care of it. The next thing that occurred was the utility arrived and began the shut off process. The Claimant's filed for a hearing as they were never advised by the Department whether their application was approved or denied. Claimant testified credibly that he attempted to contact the Department regarding his SER application prior to the shut off; however, Claimant did not receive a response to any of his phone calls. The bottom line was the application was never processed as it was misplaced. The Department Caseworker did not attend the hearing to rebut the testimony of the Claimant's and was not available to be questioned. The other Department representatives, who attended, had no personal knowledge of what occurred and admitted that the application could have been misplaced. Under these circumstances, it must be found that an SER application was filed by the claimant and that it was either lost or misplaced by the Department

Accordingly, the Department shall receive and commence processing the Claimant's SER application for the utility bill in question and shall determine the Claimant's eligibility for SER benefits. Claimant shall provide any necessary verification information necessary to process the new application to determine the claimant's eligibility pursuant to Department policy.

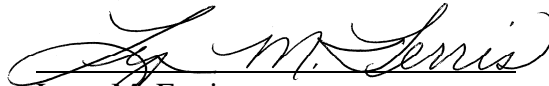
DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department failed to process an application which was filed and, thus, is required to receive and commence processing a new application for SER by the Claimant.

Accordingly, it is ORDERED:

1. The Department shall receive and commence processing the Claimant's new SER application for the shut off notice of 5/20/09 in the amount of \$377.41. The new application shall be processed as of the date of the Claimant's original filing of the SER application, May 15, 2010.

2. The Claimant is required to file another application for SER and provide the Department with the information it requires to process the application in accordance with Department policy. The Department shall assist the claimant if requested in completing the application. The claimant shall file the new application within 10 days of receipt of this decision and order. The Department shall grant the claimant an extension of time if one is requested.
3. 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: 06/28/10

Date Mailed: 07/01/10

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.

LMF/dj

2010-23459/LMF

cc:

