

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.: 2010-33743
Issue No.: 5025
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: December 8, 2010
DHS County: Wayne (57)

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

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 telephone hearing was held on December 8, 2010. Claimant appeared and testified. [REDACTED] appeared on behalf of the Department of Human Services (Department).

ISSUE

Was the Department correct in denying Claimant's State Emergency Relief (SER) request?

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 benefits for taxes on February 8, 2010, by marking the SER box on the Assistance Application (DHS 1171).
2. No further documentation was submitted by the Department verifying the amount of money requested by Claimant for the taxes.
3. Claimant submitted a Request for Hearing on February 23, 2010.
4. The Department denied Claimant's application on February 16, 2010, per the submitted Hearing Summary, but the Department did not submit the notice of denial itself.

CONCLUSIONS OF LAW

The 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 policies are found in the State Emergency Relief Manual (ERM).

Applicants may file a State Emergency Relief (SER) application in any county in Michigan. ERM 103, p. 1.

Any person has the right to apply for SER. ERM 103, p. 1.
The application for SER is the DHS-1514, State Emergency Relief Application. ERM 103 p.2

In addition to the DHS-1514, a current DHS-1171, Assistance Application, DHS-1010, Redetermination or DHS-4574, Medicaid Application, must be on file for all SER applicants. ERM 103, p. 2.

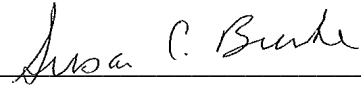
ERM also directs the department to,

Inform all SER applicants in writing of the decision made on their application. Mail or give the DHS-1419, Decision Notice, to the applicant. ERM 103, p. 3.

In the present case, the Department denied Claimant's application per the Hearing Summary dated February 16, 2010, but the Department did not submit the notice of denial itself. Without this information, the Department had insufficient evidence upon which to base a denial. The Department was, therefore, incorrect in denying Claimant her SER request.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department was incorrect in its decision denying Claimant's SER request and its decision is, therefore, REVERSED. It is ORDERED that the Department shall reprocess Claimant's February 28, 2010 SER application.



Susan C. Burke
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: December 15, 2010

Date Mailed: December 20, 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.

SCB/pf

cc:

