

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.: 2010-53689
Issue No.: 5008
Case No.: [REDACTED]
Hearing Date: January 26, 2011
Wayne County DHS (35)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 January 26, 2011. The claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED], Manager, appeared and testified.

ISSUE

Whether DHS properly terminated Claimant's application for State Emergency Relief (SER) based on a failure by Claimant to verify a threat of shut-off when DHS failed to request verification of the shut-off threat.

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, finds as material fact:

1. On 8/5/10, Claimant submitted an SER application requesting assistance for a shut-off threat to her water service.
2. On 8/12/10, DHS denied Claimant's application because Claimant failed to verify a threat to her water service.
3. DHS never officially requested a verification of a threat to Claimant's water service.
4. On 8/30/10, Claimant requested a hearing disputing the denial of her SER application.

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 Emergency Relief Manual (ERM).

SER is a program which offers assistance for various client emergencies. Clients may seek assistance through SER for any of the following: heat or gas bills, water bills, electricity bills, home repairs, rent or mortgage arrearages, relocation expenses including rent and security deposit, food, burials or migrant hospitalization.

Clients must be informed of all verifications that are required and where to return verifications. ERM 103 at 5. The due date is eight calendar days beginning with the date of application. *Id.* If the application is not processed on the application date the deadline to return verification is eight calendar days from the date verification is requested. *Id.* Specialists are to use the DHS-3503, SER Verification Checklist, to request verification and to notify the client of the due date for returning the verifications. *Id.*

In the present case, DHS denied Claimant's application due to Claimant's failure to verify a threat to her water service. DHS conceded that Claimant was not provided with a DHS-3503 requesting the verification of the threat to water service prior to denying the application. DHS agreed that Claimant's application should be reinstated and DHS indicated that they have already begun the reinstatement process. Claimant accepted the DHS agreement to reinstate her application. The undersigned is inclined to accept the settlement between Claimant and DHS as the settlement complies with DHS regulations.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly denied Claimant's SER application dated 8/5/10. It is ordered that DHS shall reinstate Claimant's SER application and to make any necessary requests for verifications from Claimant using a DHS-3503. The actions taken by DHS are REVERSED.



Christian Gardocki
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

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Date Signed: 1/31/2011

Date Mailed: 1/31/2011

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.

CG/jlg

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