

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.: 2011-12062
Issue No.: 5013
Case No.: [REDACTED]
Hearing Date: February 24, 2011
Wayne County DHS (18)

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 February 24, 2011. The claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED], Manager, and [REDACTED], Specialist, appeared and testified.

ISSUE

Whether DHS provided notice of a denial concerning Claimant's application for State Emergency Relief assistance with rent.

FINDINGS OF FACT

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

1. On 11/10/10, Claimant applied for SER assistance with rent.
2. On 11/16/10, DHS mailed a State Emergency Relief Decision Notice (DHS-1419) (Exhibit 1) denying Claimant's SER request because Claimant's income copayment exceeded the amount needed to resolve the emergency.
3. Shortly after 11/16/10, Claimant received the SER Decision Notice.
4. On approximately 12/1/10, Claimant was given another DHS-1419 at an in-person meeting with DHS representatives.
5. On 12/14/10, Claimant requested a hearing disputing that he ever received a DHS-1419 from DHS.

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.

DHS is to inform all SER applicants in writing of the decision made on their application. ERM 103 at 3. DHS is to mail or give the DHS-1419, Decision Notice, to the applicant. *Id.*

In the present case, Claimant applied for SER assistance on 11/10/10. DHS established that their automated computer system, Bridges, mailed Claimant's SER Decision Notice (DHS-1419) on 11/16/10. Claimant insisted that he never received the document and requested a hearing solely to dispute this issue.

Claimant's initial testimony concerning this issue was persuasive. He adamantly contended he never received the DHS-1419 shortly after DHS mailed the document. Claimant's righteousness and certainty tended to increase his testimony's credibility.

When Claimant was asked if it was possible that DHS could have mailed the DHS-1419 and that the document was lost in transit, Claimant insisted this scenario was "not possible" because he knew his postman. When Claimant was asked if some other postal employee could have lost the mailing, Claimant was equally insistent that this scenario was not possible.

DHS also provided testimony of a 12/1/10 meeting at DHS in which Claimant was hand delivered the DHS-1419 after he inquired about the status of his SER application. DHS provided details about the meeting that increased the credibility of the DHS testimony. Claimant denied he was given the DHS-1419 at such a meeting.

Claimant also denied receiving the DHS-1419 as part of a hearing packet following the submission of his hearing request. Claimant's only concession was that he received the DHS-1419 during the hearing.

Claimant's initial testimony that he did not receive the DHS-1419 when it was originally mailed on 11/16/10 was reasonable. Though the undersigned found that DHS mailed the document, it would be plausible that Claimant did not receive the document due to error by the United States Post Office; it was unreasonable for Claimant to deny this possibility. Claimant's overall credibility suffered due to his refusal to acknowledge the possibility that the USPS was responsible for not mailing his document. The undersigned also finds that it is more likely than not that Claimant was hand delivered a copy of the DHS-1419 at a 12/1/10 meeting at DHS. Claimant seemed to be trying to make the point that DHS purposely did not provide him with a DHS-1419; there was insufficient evidence to support Claimant's contention. Based on the totality of the evidence submitted, it is found that Claimant received the DHS-1419 shortly after it was originally mailed on 11/16/10.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS provided Claimant with proper notice of the SER Decision Notice on 11/16/10. The actions taken by DHS are AFFIRMED.



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

Date Signed: 3/1/2011

Date Mailed: 3/1/2011

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.

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