

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No: 20114078
Issue No: 5025
Case No: [REDACTED]
Hearing Date:
January 19, 2011
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Robert J. Chavez

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 hearing was held on January 19, 2011.

ISSUE

Was the claimant's application for SER funds processed?

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 energy assistance on [REDACTED]
- (2) This application was not processed.
- (3) Claimant requested a hearing on [REDACTED], making reference to the application in question.
- (4) Claimant was not given an application for SER at that time.

(5) Claimant's application would likely have been denied.

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 (ERM).

SER applicants must have an emergency which threatens health or safety and can be resolved through issuance of SER. ERM 101. All applications for assistance must be processed. BAM 110.

Claimant turned in an application for assistance on [REDACTED]. While the Department claims that this application was never received, claimant's hearing request making reference to that date, the Department's past history of document loss, claimant's own records, and the fact that the undersigned found the claimant generally credible at the hearing lend weight to the existence of such an application.

Therefore, because this application was never processed, the Department must allow for the resubmission of the application in question, and process it using the factors in play at the time the application was submitted.

While the undersigned admits that the claimant's application is likely to be denied based on the facts at hand, this does not abrogate the Department's requirement to process the application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department failed to process claimant's SER application of [REDACTED]

Accordingly, the Department's decision in the above stated matter is, hereby, REVERSED.

The Department is ORDERED to process claimant's SER application of [REDACTED]



Robert J. Chavez
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: May 24, 2011

Date Mailed: May 24, 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 receipt 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.

RJC/hw

cc:

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