

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF THE CLAIM OF:

[REDACTED]

Reg. No.: 20118190
Issue No.: 4008; 5026
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: January 31, 2011
Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

HEARING DECISION

This matter is before the undersigned Administrative Law Judge upon pursuant to MCL 400. 9; MCL 400.37 upon Claimant's request for a hearing. After due notice, a telephone hearing was held on January 31, 2011. The Claimant appeared and testified. [REDACTED] appeared on behalf of the Department.

ISSUE

Was the Department correct in denying Claimant's SER application and in denying State Disability Assistance?

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 and SDA benefits on October 20, 2010.
- (2) Claimant has no income.
- (3) Claimant alleges that she is disabled.

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- (4) No verification checklist regarding Claimant's SDA application was issued.
- (5) Claimant's application for SER was denied on October 26, 2010 because she did not have sufficient income to meet ongoing housing expenses.
- (6) Claimant's SDA application was denied on October 26, 2010 because she "did not meet the eligibility requirements for the program".
- (7) Claimant requested a hearing on November 2, 2010 contesting the denial of her SER and SDA applications.

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. The Department of Human Services' [formally known as the Family Independence Agency] policies are found in the State Emergency Relief Manual ("ERM").

State Emergency Relief ("SER") prevents serious harm to individuals and families by assisting applicants with safe, decent, affordable housing and other essential needs when an emergency situation arises. ERM 101, p. 1. In order to receive benefits for relocation services applicant's must show they are homeless or potentially homeless. ERM 303. Deny SER if the group does not have sufficient income to meet their total housing obligation. The total housing obligation cannot exceed 75% of the group's total net countable income. ERM 207.

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The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department of Human Services (DHS or department) administers the SDA program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3151-400.3180. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Medical Certification Of Disability When the person does not meet one of the criteria under Other Benefits or Services or Special Living Arrangements, obtain medical evidence of the disability and submit it to the Disability Examiner (DE) for a determination. The DE will review the medical evidence and either certify or deny the disability claim based on the medical evidence. BEM 261.

In the present case, Claimant's SER application was denied on October 26, 2010 because she did not have sufficient income to meet ongoing housing expenses, and she failed to verify information necessary to determine eligibility. The Claimant had no income at the time of application so the denial was proper and correct because Claimant's ongoing rental obligation was not affordable. ERM 207. In addition, Claimant failed to verify information regarding her prospective housing. Therefore, the Department's denial of Claimant's SER application is proper and correct.

In the present case, in regards to Claimant's SDA application, the application was not processed correctly. The notice of case action only contains a blanket denial for all cash programs. Claimant asserted at hearing that she applied based on her disability. The hearing summary checked the box for SDA eligibility and the Department

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presented no evidence showing Claimant did not apply for SDA. A verification checklist requesting information from the Claimant, that is necessary to determine eligibility for SDA was never issued, contrary to Department policy. BEM 261. The Department presented no proof at hearing that medical records, or other forms, necessary to determine SDA eligibility were requested from Claimant prior to the denial. Therefore, the Department failed to follow Department policy in processing Claimant's SDA application and the denial is improper and incorrect.

DECISION AND ORDER

This Administrative Law Judge decides that the Department was correct in the denial of SER benefits, and it is ORDERED that the Department's decision in this regard be, and is, hereby AFFIRMED. This Administrative Law Judge further finds that the Department was incorrect in the processing and denial of Claimant's SDA application and the Department's decision in this regard be and is hereby REVERSED. Claimant's SDA application shall be reinstated and reprocessed going back to the date of application October 20, 2010.



Aaron McClintic
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: February 11, 2011

Date Mailed: February 11, 2011

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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 60 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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