

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: 201111559

Issue No: 5026

[REDACTED] [REDACTED]

Hearing Date:

February 28, 2011

Wayne County DHS (35)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 in Detroit, Michigan on February 28, 2011. The Claimant appeared and testified on her own behalf. [REDACTED]

[REDACTED] appeared on behalf of the Department.

ISSUE

Was the claimant's application for State Emergency Relief (SER), rent assistance properly denied for failing to return verification of landlord identification?

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 for rent assistance due to an eviction on November 8, 2010. Exhibit 1

- (2) On November 23, 2010, the Department denied the application citing that the Claimant failed to provide necessary information.
- (3) The Claimant attempted to contact her caseworker by phone on several occasions, prior to the application denial, to determine the status of the application but was unsuccessful. When she was able to speak with her caseworker on November 23, 2010, the Claimant was told that her case had been denied and was told to reapply. She was not afforded an opportunity to provide landlord identification information as her application had been denied. Claimant Exhibit 1.
- (4) The Department needed a landlord identification number in order to certify the case. The application for SER does not request the Claimant provide the landlord identification.
- (5) The Department did not send the Claimant a verification Checklist to obtain needed information prior to denying the SER application, nor did the Department advise the Claimant of the date that the information was due because the application had already been held open from November 8 through November 23, 2010.
- (6) The Department representative could not recall the date she spoke to the Claimant, requesting orally of the Claimant by telephone that she provide the landlord identification information.
- (7) The Claimant was not asked to provide the landlord identification or confirm the amount of rent due by Verification Checklist prior to the application denial.

- (8) The Claimant requested a hearing on November 29, 2010, protesting that she had never received a request for information prior to November 23, 2010, when the application was denied, and thus had no opportunity to respond. The Department received the hearing request on November 29, 2010.

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).

ERM 103 provides procedures which are applicable to all applicants for SER and requires that an SER verification checklist be used:

Obtain all supporting verifications and applicant signatures. The signature(s) establishes that clients understand their rights and responsibilities and that they prepared the application(s) truthfully under penalty of perjury.

Active Applicants

Specialists may choose to waive the in-person interviews for applicants who are active for another DHS program **and** have a current DHS-1171, Assistance Application, DHS-1010, Redetermination, or DHS-4574, Medicaid Application, on file or have applied online.

Give or send active SER applicants the following information:

DHS-1514, Application for State Emergency Relief.
DHS-3503, SER Verification Checklist, if applicable.

In this case no verification checklist was used by the Department to obtain the necessary information regarding the landlord identification number that the Department was seeking. Bridges policy is clear and requires that all request for information be done by verification checklist. The Department denied the application without requesting verification by way of verification checklist and failure to do so is clear error. Additionally the department denied the application because the standard of promptness period of 10 days had already been exceeded and no verification had been requested. ERM specifically prohibits the Department from using the standard of promptness as a basis for denying an application. ERM103 page 5.

Based upon the Department's failure to afford the Claimant the opportunity to provide information prior to denying the Claimant's application and the failure of the Department to seek the information it required by verification checklist prior to denying the application for SER, the Department's decision to deny the Claimant's application for SER in this matter is clear error and is reversed.

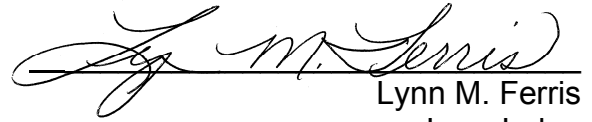
DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department's decision to deny the Claimant's application for SER was incorrect and not in accordance with Department policy, and therefore, its denial of the Claimant's November 8, 2010 SER application is REVERSED.

Accordingly, it is ORDERED:

The Department shall reprocess the Claimant's November 8, 2010 application and shall determine the Claimant's eligibility for SER in accordance with Department policy.

Administrative



Lynn M. Ferris
Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 03/30/11

Date Mailed: 03/30/11

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.

LMF/dj

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