

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-26411
Issue No.: 5000
Case No.: [REDACTED]
Hearing Date: May 25, 2011
DHS County: SSPC-East

ADMINISTRATIVE LAW JUDGE: Jan Leventer

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to Michigan Compiled Laws (MCL) 400.9 and 400.37 and Claimant [REDACTED] request for a hearing. After due notice, a telephone hearing was held on May 25, 2011. Claimant appeared and testified. [REDACTED], appeared and testified on behalf of the Department of Human Services (DHS).

ISSUE

Whether DHS processed Claimant's State Emergency Relief (SER) application in accordance with DHS policies and procedures?

FINDINGS OF FACT

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

1. On March 10, 2011, Claimant applied to DHS for assistance with utility payments.
2. Also on March 10, 2011, DHS sent Claimant a SER Verification Checklist requesting verification of his Veterans Administration benefits. The deadline for Claimant to submit the verification was March 17, 2011.
3. On March 21, 2011, DHS issued a State Emergency Relief Decision Notice denying SER benefits to Claimant for the reason that he failed to verify his income information.
4. On March 28, 2011, Claimant submitted his income verification.

5. Also on March 28, 2011, Claimant filed a Notice of Hearing with DHS.
6. At the Administrative Hearing on May 25, 2011, DHS agreed to reinstate Claimant's SER application, process it and, if appropriate, provide him with SER benefits.
7. As a result of DHS' agreement to reopen and reprocess Claimant's application, Claimant testified he no longer wished to continue the Administrative Hearing process.

CONCLUSIONS OF LAW

SER was established by 2004 Michigan Public Acts 344. The SER program is administered pursuant to MCL 400.10 *et seq.* and Michigan Administrative Code Rules 400.7001-400.7049. DHS' policies and procedures are found in the Bridges Administrative Manual (BAM) and the Emergency Relief Manual (ERM). These manuals are available online at www.michigan.gov/dhs-manuals.

BAM and ERM are the policies and procedures DHS officially created for its own use. While they are not laws created by the U.S. Congress or the Michigan Legislature, they constitute legal authority which DHS must follow.

Under BAM 600, "Hearings," clients have the right to contest any DHS decision affecting eligibility or benefit levels whenever they believe the decision is illegal. DHS provides an Administrative Hearing to review the decision and determine if it is appropriate. DHS policy includes procedures to meet the minimal requirements for a fair hearing. Efforts to clarify and resolve the client's concerns start when DHS receives a hearing request and continue through the day of the hearing.

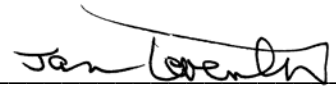
At the hearing, the parties agreed to settle and resolve the situation with the remedy that DHS will reinstate and reprocess Claimant's SER application and provide SER benefits to him if it is otherwise appropriate. As the parties have agreed to settle their differences, it is not necessary for the Administrative Law Judge to adjudicate any issues presented.

Therefore, IT IS ORDERED that DHS shall reopen and reprocess Claimant's SER application, utilizing the income verification Claimant has provided, to determine if Claimant is indeed eligible for SER benefits. This will be accomplished pursuant to the stipulated agreement of the parties and in accordance with DHS policies and procedures.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law and the stipulated agreement of the parties, states IT IS HEREBY ORDERED that DHS shall reopen and reprocess Claimant's SER application and accept Claimant's income verification documentation. If appropriate, DHS shall provide Claimant with SER assistance. DHS shall conduct all actions in accordance with DHS policies and procedures.

IT IS SO ORDERED.



Jan Leventer
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: June 2, 2011

Date Mailed: June 2, 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.

JL/pf

cc:

