

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

IN THE MATTER OF:



Reg. No.: 2011-29653
Issue No.: 5017
Case No.: [REDACTED]
Hearing Date: June 20, 2011
DHS County: Wayne (82-76)

ADMINISTRATIVE LAW JUDGE: Yasmin Elias

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 conducted from Detroit, Michigan, on Monday, June 20, 2011. The Claimant appeared and testified. [REDACTED] appeared on behalf of the Department of Human Services ("Department").

ISSUE

Whether the Department properly denied the Claimant's State Emergency Relief ("SER") application because the Claimant failed to submit documentation to support her application?

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 March 28, 2011, the Claimant submitted an SER application seeking assistance following a home fire in her primary residence.
2. The Claimant attached an incident report from the Fire Department verifying the fire.
3. The Report included general information about the fire but did not provide specific information about the amount of damages or the estimated cost of repairs.

4. The Department communicated with the Claimant over the phone and informed the Claimant that additional documentation was needed in order to process her SER application.
5. The Claimant was not able to obtain and submit estimates before her application was processed by the Department.
6. On April 2, 2011, the Claimant's SER application was denied due to the lack of supporting documentation.

CONCLUSIONS OF LAW

The 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. Michigan Administrative Code Rules R 400.7001-400-7049. Department, formerly known as the Family Independence Agency, policies are found in the State Emergency Relief Manual ("ERM").

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. Home repair services may be issued to restore a home to a safe, livable condition; however, the home in question must be the SER group's permanent, usual residence. ERM 304, p. 3. The SER applicant must obtain at least one estimate of the repair cost, although more may be requested. ERM 304, p 4. Clients must cooperate with the local office in determining initial and ongoing eligibility by providing requested verification. BAM 130 p.1. The Department can use documents, collateral contacts or home calls to verify information. BAM 130. The client should be allowed 10 calendar days to provide the verification. BAM 130.

The record testimony established that the Claimant submitted an Incident Report from the Fire Department attached to the SER application that she filed on March 28, 2011. The Incident Report contained insufficient information for the Department to process the SER application. The Incident Report confirmed a fire at the Claimant's home but did not provide specific information as to the amount of damage to the property or the estimated cost of repairs. As a result, the SER application was denied.

There was no evidence presented on the record to establish that the Claimant refused to submit the required documentation. Instead, the Claimant asserted that she did not attach additional documentation such as damage estimates because she did not read the portion of the SER application that requested such documentation. She further testified that she was under a lot of stress at the time that she completed the SER application due to the fire in her home. She has since had some difficulty in obtaining

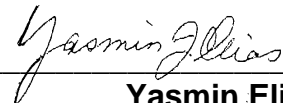
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estimates. Her testimony is found to be credible and reasonable under the circumstances of having experienced a fire in her home.

The Claimant is currently attempting to obtain damage estimates and other documentation required by the Department in order to process her SER application. The Department indicated that the Claimant may resubmit her application once she obtains the required supporting documentation. The Claimant is urged to reapply for SER as soon as she is able to obtain the required supporting documentation.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, finds that the Department acted in accordance with policy when it denied the Claimant's SER application dated March 28, 2011, because the Department lacked sufficient documentation to process the application. Therefore, the Department's actions in this regard are AFFIRMED.



Yasmin Elias
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: June 27, 2011

Date Mailed: June 30, 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.

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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.

YE/pf

cc:

