

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201137314
Issue No: 3000, 5008
Case No: [REDACTED]
Hearing Date: July 12, 2011
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Corey A. Arendt

HEARING DECISION

This matter is before me pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing received on June 8, 2011. After due notice, a telephone hearing was held on July 12, 2011. Claimant and Department appeared by telephone and provided testimony.

During the hearing the Department and the Claimant stipulated and agreed, that the Department erred in the processing of Claimant's redetermination for FAP benefits and would therefore issue a supplemental benefit for the amount of FAP benefits lost in June of 2011.

ISSUE

Whether the department properly denied Claimant's State Emergency Relief (SER) application?

FINDINGS OF FACT

I find as material fact, based upon the competent, material and substantial evidence on the whole record:

1. On April 8, 2011, the Claimant applied for State Emergency Relief (SER) assistance.
2. On April 13, 2011, the Department sent the Claimant a State Emergency Decision Notice. The State Emergency Decision Notice indicated the Claimant's April 8, 2011 request was granted on the condition the Claimant pay [REDACTED] of her bill and provide proof of that payment to the Department by May 7, 2011. (Department Exhibit 7, 8).

3. On or around April 13, 2011, the Department sent the Claimant a State Emergency Decision Notice. The State Emergency Decision Notice indicated the Claimant's request for relief was denied.
4. At some point in time between April 13, 2011 and May 7, 2011, the Claimant paid her electric bill of [REDACTED].
5. At no point in time prior to May 7, 2011, did the Claimant provide proof of payment to the Department indicating she had timely paid her electric bill.
6. On June 8, 2011, the Claimant filed with the Department a request for hearing.

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. MAC R 400.903(1). An opportunity for a hearing shall be granted to an applicant who requests a hearing because of a denial. MAC R 400.903(2).

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed the decision is incorrect. BAM 600. The department will provide an administrative hearing to review the decision and determine the appropriateness. BAM 600.

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 (SER).

Verification that the client has paid any shortfall and/or contribution must be obtained prior to the DHS payment being issued. ERM 301.

If required energy payments have not been met based on the information entered into Bridges, good cause for non-payment may exist; see ERM 204. Client-Caused Emergencies.

Failure to make required payments without good cause may result in a shortfall. If good cause does exist, the shortfall must be paid before any SER payment can be authorized. The group has 30 calendar days, beginning with the date of application, to provide verification to the worker that the shortfall payment has been made or will be made by another agency or organization. A shortfall cannot be waived.

Once the client returns the verification, the worker must enter the information in Bridges. If the client fails to provide verification by the deadline, the worker must complete the Client Paid Amounts screen by indicating that the verification was not received. No SER payment will be made if the client fails to return verification by the deadline. ERM 301.

In this case, the Claimant did not provide the Department with a timely or proper notification they had paid their portion of the bill. Therefore, I find the Department acted in accordance with the applicable departmental policy.

DECISION AND ORDER

I find, based upon the above findings of fact and conclusions of law that the Department acted in accordance with policy in determining the Claimant's SER eligibility.

The Department's SER eligibility determination is **AFFIRMED**.

_____/s/_____
Corey A. Arendt
Administrative Law Judge
For Maura D. Corrigan, Director
Department of Human Services

Date Signed: 07/13/2011

Date Mailed: 07/14/2011

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.

CAA/cr

cc:

