

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

IN THE MATTER OF:



Reg. No.: 201140898
Issue No.: 5016
Case No.: [REDACTED]
Hearing Date: September 21, 2011
County: Wayne (43)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on September 21, 2011, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of Department of Human Services (Department) included Jeffery Mitchell, Non-cash Family Independence Specialist.

ISSUE

Did the Department properly deny Claimant's request for State Emergency Relief (SER) assistance with energy or utility service(s)?

FINDINGS OF FACT

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

1. On June 6, 2011, Claimant applied for SER assistance with energy or utility service.
2. On June 8, 2011, the Department sent notice of the application denial to Claimant.
3. On June 13, 2011, the Department received Claimant's hearing request, protesting the SER denial.

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 1999 AC, Rule

400.7001 through Rule 400.7049. Department policies are found in the State Emergency Relief Manual (ERM).

Additionally, in this case, on June 8, 2011, the Department denied Claimant's SER application on the basis that Claimant had failed to cooperate with child support requirements. Groups that are noncooperative with the Office of Child Support (OCS) are ineligible for SER, and this ineligibility continues until there is compliance. ERM 203. At the hearing, Claimant produced a letter from the OCS dated June 10, 2011, indicating that she was in compliance with child support. While the letter of cooperation was dated after the date of the SER denial, Claimant testified that she had submitted the documentation requested by OCS in April 2011 and that the OCS erroneously identified her as noncompliant. She testified that she received OCS's letter of noncompliance on June 9, 2011, immediately contacted the OCS and the OCS acknowledged its error and issued the letter of cooperation dated June 10, 2011. While the June 10, 2011 letter from OCS does not indicate that Claimant was compliant prior to the date of the letter, Claimant's testimony that the OCS had erred in identifying her as noncompliant was credible. The speed with which the letter of compliance was issued following the date the letter of noncompliance was issued further bolsters Claimant's testimony that the noncompliance letter was erroneous. Because Claimant was erroneously identified as noncompliant with child support, the Department erred when it denied her SER application on the basis of child support noncompliance.

Based on the above Findings of Fact and Conclusions of Law, and for reasons stated on the record, the Administrative Law Judge concludes that the Department
 properly denied improperly denied
 Claimant's SER application for assistance with energy and utility services.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for reasons stated on the record, finds that the Department
 did act properly. did not act properly.

Accordingly, the Department's decision is AFFIRMED REVERSED for the reasons stated above.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reregister Claimant's June 6, 2011 SER application;
2. Remove the child support noncooperation sanction from Claimant's record;
3. Begin reprocessing the application in accordance with Department policy;

4. Notify Claimant of the Department's decision in accordance with Department policy.



Alice C. Elkin
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 09/28/11

Date Mailed: 09/29/11

NOTICE: Michigan Administrative Hearing System (MAHS) 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. MAHS 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.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
 - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at
Michigan Administrative hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

ACE/dj

cc:

