

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No.: 20118038
Issue No.: 5016
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: February 3, 2011
Oakland County DHS

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 held on February 3, 2011. The Claimant appeared and testified.

[REDACTED] appeared and testified for the Department.

ISSUE

Was the Department correct in processing Claimant's SER benefit?

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 benefits in July 2010.
- (2) Claimant's application for SER was approved on July 22, 2010 for \$850, with an \$1182.03 co-payment.
- (3) Claimant made the \$1182.03 co payment on August 10, 2010 and submitted proof to the Department by mail.

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- (4) Claimant followed up with her worker on numerous occasions to confirm receipt of the co-payment proof.
- (5) The Department issued a second decision notice on October 22, 2010 denying the payment because proof of co-payment was not submitted prior to the deadline.
- (6) Claimant requested a hearing on October 26, 2010 contesting the denial of her SER application.

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. The Department of Human Services' [formerly known as the Family Independence Agency] policies are found in the State Emergency Relief Manual ("ERM").

State Emergency Relief ("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, p. 1. Department Policy dictates what verifications are required: VERIFICATION OF NEED AND COST OF THE EMERGENCY Verify actual or threatened shutoff or need for reconnection of natural gas or electricity by contact with the utility company. Contact can be in the form of a written notice, telephone call, fax, email or information on the provider's secure website. ERM 301.

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Department policy dictates requirements of Verification--Before authorizing the Department's portion of the cost of services, verification that the income and asset copayment, shortfall, and contribution have been paid by the client or will be paid by another agency is required. For energy services, a utility payment agreement that the client has signed is acceptable as verification of payment. ERM 208.

In the present case, Claimant presented proof that co-payment was made on August 10, 2010. Claimant credibly testified that she submitted proof of her co-payment to the Department prior to the deadline. Claimant further credibly testified that she followed up with her worker on numerous occasions and received no response. Claimant's worker did not testify at hearing. It appears that the Department lost the proof of co-payment submitted by the Claimant. The Department failed to properly process Claimant's SER benefit. ERM 208.

DECISION AND ORDER

This Administrative Law Judge decides that the Department was incorrect in the processing of Claimant's SER benefits, and it is ORDERED that the Department's decision in this regard be, and is hereby REVERSED. The Department shall pay \$850.



Aaron McClintic
Administrative Law Judge
For Maura Corrigan Director
Department of Human Services

Date Signed: February 11, 2011

Date Mailed: February 11, 2011

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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 60 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.

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