

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2012-39374
Issue Nos.: 5000, 6019
Case No.: [REDACTED]
Hearing Date: May 21, 2012
County: Wayne (82-43)

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

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, an in-person hearing was held on May 21, 2012, from Highland Park, Michigan. Participants on behalf of Claimant included Claimant and [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

ISSUE

Did the Department properly deny Claimant's application close Claimant's case for: State Emergency Relief (SER) and Child Development and Care (CDC)?

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 January 5, 2012, Claimant applied for CDC.
2. On February 17, 2012, Claimant applied for SER.
3. On February 24, 2012, the verifications were to be returned to the Department for Claimant's SER application.
4. On February 24, 2012, Claimant failed to supply all of the verifications requested for her SER application.

5. On February 27, 2012, verifications were to be returned to the Department for Claimant's CDC application.
6. On March 5, 2012, Claimant requested a hearing.

CONCLUSIONS OF LAW

Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

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).

The Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. The Department provides services to adults and children pursuant to MCL 400.14(1) and 1999 AC, Rule 400.5001 through Rule 400.5015.

Claimant applied for CDC. At hearing, the Department agreed to re-register and process a CDC application for Claimant. The Department agreed to check the Department sign-in log to determine if Claimant had signed the log on November 15, 2011, and whether she indicated on the log that she was dropping off a CDC application. Claimant agreed if the log demonstrated she both signed in on November 15, 2011, and she dropped off the CDC paperwork, the Department would register and process her application back to November 15, 2011. If the log fails to demonstrate the above, the Department and Claimant agreed to the application being registered and processed for December 21, 2011.

As a result of this settlement, Claimant no longer wishes to proceed with the hearing regarding her CDC case. As such, it is unnecessary for this Administrative Law Judge to render a decision regarding the facts and issues in this matter.

Claimant also applied for SER on February 17, 2012. The Department requested verifications to process Claimant's application for SER. Claimant failed to provide the requested proof of income on or before the verification due date. The Department denied Claimant's application for failure to provide verifications.

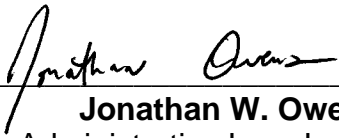
The Department policy clearly indicates the Department is required to request verifications necessary to process an application. One of those critical verifications often required is proof of income. In Claimant's case she indicated income but failed to provide records with her application sufficient for the Department to properly determine her monthly income. Claimant is required to comply with requests for verifications or

risk her application being denied. As indicated above, Claimant failed to provide requested verifications and the Department properly denied her application for SER.

DECISION AND ORDER

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

Accordingly, the Department's AMP FIP FAP MA SER CDC decision is AFFIRMED REVERSED for the reasons stated on the record.



Jonathan W. Owens
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: May 24, 2012

Date Mailed: May 24, 2012

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. (60 days for FAP cases)

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.

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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

JWO/pf

cc:

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