

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

IN THE MATTER OF:

[REDACTED]

Reg. No: [REDACTED]
Issue No: 5016
Case No: [REDACTED]
Hearing Date:
December 1, 2011
[REDACTED]

ADMINISTRATIVE LAW JUDGE: [REDACTED]

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon a request for a hearing received from Claimant on October 3, 2011. After due notice, a telephone hearing was held on November 30, 2011. Claimant personally appeared and provided testimony.

ISSUE

Whether the Department of Human Services (department) properly denied Claimant's application for State Emergency Relief (SER) assistance?

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 September 12, 2011, Claimant submitted to the department a SER application (DHS 1514), requesting assistance in paying his electricity costs. (Department Hearing Summary)
2. On September 12, 2011, the department mailed Claimant a State Emergency Relief Verification Checklist, requesting that Claimant provide the department with verification of his employment by September 19, 2011. (Department Exhibit 1)
3. On September 20, 2011, the department mailed Claimant a State Emergency Relief Decision Notice, advising him that his request for assistance was denied for the reason that he failed to verify necessary information. (Department Exhibit 2)

4. On September 28, 2011, Claimant submitted a hearing request protesting the denial of his SER application. (Request for a Hearing)

CONCLUSIONS OF LAW

Clients have the right to contest a department decision affecting eligibility for benefit levels whenever it is believed that the decision is incorrect. BAM 600. The department provides an administrative hearing to review the decision and determine its appropriateness of that decision. BAM 600.

The regulations that govern the hearing and appeal process for applicants and recipients of public assistance in Michigan are contained in the Michigan Administrative Code (Mich Admin Code) Rules 400.901 through 400.951. An opportunity for a hearing shall be granted to a recipient who is aggrieved by an agency action resulting in suspension, reduction, discontinuance, or termination of assistance. Mich Admin Code 400.903(1).

The State Emergency Relief (SER) program was 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 (ERM).

The department's standard of promptness mandates that an application for SER assistance must be processed by the department within 10 calendar days of the date the signed application is received in the local DHS office. ERM 103. Moreover, the department must maintain a case record that includes documentation for any delay in processing the application beyond the standard of promptness. ERM 103. Clients must be informed of all verifications that are required and where to return verifications. The due date is eight calendar days beginning with the date of applications. If the application is not processed on the application date, the deadline to return verification is eight calendar days from the date verification is requested. This does not change the standard of promptness date. ERM 103.

In this case, Claimant applied for SER assistance on September 12, 2011 and the department processed his application on that date, issuing a Verification Checklist on September 12, 2011 that sought Claimant's verification of his employment by September 19, 2011. Because Claimant failed to submit the requested verification in a timely manner or, indeed, at all, the department denied Claimant's SER application.

At the hearing, Claimant acknowledged that he failed to submit the requested verification.

This Administrative Law Judge finds, based on the material and substantial evidence presented during the hearing, the department acted in accordance with policy in


denying Claimant's application for SER assistance for failure to provide the requested verification.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department acted in accordance with policy in denying Claimant's application for SER assistance for failure to provide the requested verification.

The department's actions are UPHELD. It is SO ORDERED.

/s/


Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 12/02/11

Date Mailed: 12/02/11

NOTICE: The 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.

SDS/sc

cc:

