

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

IN THE MATTER OF:



Reg. No. 20129036
Issue No. 5008
Case No. [REDACTED]
Hearing Date: December 21, 2011
Wayne County DHS (55)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 December 21, 2011. The claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED], Specialist, appeared and testified.

ISSUE

The issue is whether DHS properly denied Claimant's application for State Emergency Relief on the basis that Claimant was uncooperative with obtaining child support.

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 9/12/11, Claimant applied for SER for assistance with electricity and heat bills.
2. Claimant sought \$485.20 for her electricity bill and \$216.01 for her gas bill.
3. On 9/19/11, DHS denied Claimant's SER application due to an alleged failure by Claimant to cooperate with obtaining child support for one of her children.
4. On 10/4/11, Claimant requested a hearing to dispute the denial of the SER application and what appeared to be a dispute concerning restoration of lost food after Claimant's utility services were shut-off for non-payment.

5. Claimant states she only intended a hearing concerning the denial of SER assistance.

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. Department of Human Services (formerly known as the Family Independence Agency) policies are found in the Emergency Relief Manual (ERM).

SER is a program which offers assistance for various client emergencies. Clients may seek assistance through SER for any of the following: heat or gas bills, water bills, electricity bills, home repairs, rent or mortgage arrearages, relocation expenses including rent and security deposit, food, burials or migrant hospitalization.

Federal and state laws and regulations require that applicants and recipients of DHS benefits to cooperate with the Office of Child Support (OCS) in obtaining child support as a condition of benefit eligibility. 4DM 115 at 1. The goal of the cooperation requirement is to obtain child support. Information provided by the client provides a basis for determining the appropriate support action. *Id.* Cooperation from the client will enhance and expedite the process of establishing paternity and obtaining support. *Id.* Groups that are non-cooperative with the Office of Child Support are also ineligible for SER. ERM 203 at 1.

In the present case, DHS alleged that Claimant had an ongoing disqualification due to an alleged failure to cooperate with obtaining child support. DHS was unable to put forth any evidence to justify the disqualification. DHS was unable to present any documentation or testimony describing how Claimant was uncooperative with obtaining child support. DHS even conceded that something was amiss with the non-cooperation disqualification. Claimant credibly testified that she has been cooperative with child support. Based on the presented evidence, it can only be found that DHS failed to establish that Claimant was uncooperative with obtaining child support.

It was not disputed that the SER denial was solely based on Claimant's alleged failure to cooperate with child support. As it was found that DHS failed to establish that Claimant was uncooperative, it can only be found that the SER denial was improper.

It should be noted that the below reversal of the DHS denial is only a finding that DHS lacked a basis to deny Claimant's SER application on the basis of being uncooperative with child support; this is not the same as a finding that Claimant should have been approved for SER. DHS must still make a determination on other SER eligibility issues.

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It should also be noted that the subsequent payment of Claimant's utility bill is irrelevant to this decision. DHS may not justify a failure to correct an improperly denied SER application solely based on a client's ability to eventually overcome a DHS failure.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly denied Claimant's SER application dated 9/12/11. It is ordered that DHS shall reinstate Claimant's SER application and to process the application based on the finding that Claimant was cooperative with obtaining child support and based on the electricity and heat balance of the time of the application. The actions taken by DHS are REVERSED.



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

Date Signed: 12/29/11

Date Mailed: 12/29/11

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. (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.

Request must be submitted through the local DHS office or directly to MAHS by mail at

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Michigan Administrative hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

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cc:

