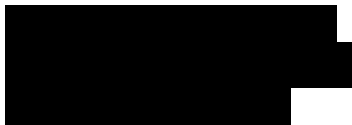


STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No: 201243302
Issue No: 5016, 6027
Case No: [REDACTED]
Hearing Date: July 24, 2012
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Christopher S. Saunders

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing received on March 29, 2012. After due notice, a telephone hearing was held on July 24, 2012. The claimant personally appeared and provided testimony.

ISSUES

1. Did the department properly deny Claimant's State Emergency Relief (SER) application for assistance with her water bill?
2. Did the department properly process the claimant's application for Child Development and Care (CDC) benefits?

FINDINGS OF FACT

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

1. The claimant applied for SER assistance for her water bill on January 18, 2012.
2. The claimant was sent a conditional approval contingent upon a co-payment of [REDACTED] being made by the claimant. (Department Exhibit 1).
3. The department did not receive verification of the co-pay amount being paid and in turn denied the claimant's SER application.
4. In March, 2012, the claimant submitted an application for Child Development and Care (CDC) benefits.

5. The claimant did not receive notice of approval or denial as to the March, 2012 CDC application.
6. The claimant filed a hearing request on March 29, 2012, protesting the denial of her SER application and the processing of her CDC application.

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. MAC R 400.903(1). An opportunity for a hearing shall be granted to an applicant who requests a hearing because of a denial. MAC R 400.903(2).

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

The Child Development and Care 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 of Human Services (DHS or Department) provides services to adults and children pursuant to MCL 400.14(1) and MAC R 400.5001-5015. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

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 (DHS or department) policies are found in the Emergency Relief Manual (ERM).

State Emergency Relief prevents serious harm to individuals and families. SER assists applicants with safe, decent, affordable housing and other essential needs when an emergency situation arises. ERM 101.

SER is available to assist individuals in need with utility services. In relation to utility services, department policy states as follows:

SER helps to restore or prevent shut off of a utility service specified in this item when service is necessary to prevent serious harm to SER group members.

Covered Services

The following are covered utility services:

- Payment of an arrearage to maintain or restore service for the following utilities: water, sewer or cooking gas. The payment must restore or continue service for at least 30 days at the current residence. However, payments for current charges are not allowed.
- A deposit (including membership fees and lease/rental payments for an on-site storage tank) required by the utility provider to begin, maintain, or restore one of the following services currently or previously the responsibility of the SER group: water, sewer and cooking fuel.
- Fees for connection, reconnection, or hookup of utility services.

The bill does not have to be in the client's name but it must be connected to the group's current address. If the bill, including old or transferred balances, must be paid to start or maintain service at the current or new address, payment may be authorized up to the fiscal year cap as long as the payment resolves the emergency. ERM 302.

If a claimant otherwise meets all eligibility standards, they may be required to make a contribution to the amount of the requested service based on their income before the department will issue a payment. ERM 208. Department policy states:

Client Contribution

The SER group must contribute toward the cost of resolving the emergency if SER does not cover the full cost of the service. Other persons or organizations can also contribute funds on behalf of the SER group. Verification that the contribution has been paid must be received before any SER payment can be made. ERM 208.

In relation to assistance with utility services, policy further states:

Authorizations

Before authorizing the department's portion of the cost of services, verify that the income and asset copayment, shortfall, and contribution have been paid by the client or will be paid by another agency. Approve payment up to the fiscal year cap if it will resolve the emergency and if the provider will maintain or restore service for at least 30 days. Do not authorize any payment that will not resolve the current emergency, even if the payment is within the fiscal year cap. Payments are applied to the cap of the client. Client means the applicant for or recipient of SER and includes all group members. Every individual in the group who benefits from the payment, including minor

children, will have payments applied to their individual cap. The payments made to cap follow the individual even if they move from one household to another. ERM 302.

In the case at hand, the claimant was assigned a copayment as part of her conditional approval for SER benefits. The decision notice sent to the claimant clearly states that proof of the co-payment must be submitted to the department by February 16, 2012 (see Department Exhibit 1). There was no information provided to the department to show that said payment had been made or that arrangements for the payment had been made by the due date. Therefore, the Administrative Law Judge determines that the department acted properly in accordance with policy in denying the claimant's SER application.

In relation to the claimant's application for CDC benefits, the department representative testified at the hearing that the department would be willing to reprocess the claimant's March, 2012 CDC application and if the claimant is found to be eligible, to issue benefits retroactive to the date of application. The claimant agreed that this was the appropriate course of action for the department to take and that this course of action would alleviate her grievance with the department with respect to her CDC benefits.

MCL 24.278(2) provides a disposition may be made of a contested case by stipulation or agreed settlement. In the case at hand, the department representative testified that the department was willing to allow reprocess the claimant's March, 2012 CDC application and if the claimant is eligible, issue benefits retroactive to the date of application. The claimant agreed with this course of action. Therefore, the parties agree as to what the proper course of action to be taken regarding the claimant's CDC benefits should be. Because both parties agree as to what action should be taken to resolve the issue, this action may be disposed of by stipulation.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department acted properly in accordance with policy in denying the claimant's SER application.

Accordingly, the department's actions as to the claimant's SER application are **AFFIRMED**.

It is SO ORDERED.

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department did not act properly in accordance with policy in processing the claimant's CDC application.

Accordingly, the department's actions in relation to the claimant's CDC application are **REVERSED**.

It is HEREBY ORDERED that the department shall reprocess the claimant's March, 2012 CDC application. If the claimant is found to be otherwise eligible, the department shall issue benefits in accordance with policy retroactive to the date of application.

/s/ _____
Christopher S. Saunders
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: August 3, 2012

Date Mailed: August 3, 2012

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 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.

CSS/cr

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