

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

**IN THE MATTER OF:**



Reg. No.: 2012 45340  
Issue No.: 5025,3008  
Case No.: [REDACTED]  
Hearing Date: May 9, 2012  
County: Wayne (31)

**ADMINISTRATIVE LAW JUDGE:** Lynn M. Ferris

**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, a telephone hearing was held on May 9, 2012, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], ES.

**ISSUE**

Did the Department properly deny Claimant's request for State Emergency Relief (SER) assistance with shelter emergency?

Did the Department properly close the claimant's Food Assistance case (FAP) for failure to verify employment?

**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 March 19, 2012, Claimant applied for SER assistance with shelter emergency.
2. On March 30, 2012, the Department sent notice of the application denial to Claimant.
3. On February 28, 2012 the Department sent the Claimant an SER Verification Checklist requesting the Claimant provide last 30 days of check stubs or earnings statement and employer statement.

4. The Claimant verified the information providing verification of income for her last employment. At the time of the verification request the claimant was not working.
5. The Department closed the Claimant's FAP case on 5/1/12 due to failure to verify information. Exhibit 4.
6. On April 5, 2012, the Department received Claimant's hearing request, protesting the SER denial and the closure of her food assistance case. .

### **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, 1999 AC, Rule 400.7001 through Rule 400.7049. Department policies are found in the State Emergency Relief Manual (ERM).

#### **SER**

Additionally, The Department correctly denied the Claimant's request for property tax emergency assistance because the Claimant had more that \$2, 000 in property taxes owing at the time of her application. ERM 304 does not allow property tax assistance if at the time of the request property taxes exceed \$2,000.

ERM 304 provides:

The total amount of tax arrearage for all years does not exceed \$2,000. (This only applies to home ownership for taxes.) Pay only the minimum amount required to resolve the tax emergency. Do not pay until loss of the home is imminent;

In this case the Claimant's property taxes were over \$8,000 total. Exhibit 2

#### **FAP**

The Department closed the Claimant's FAP case incorrectly. The Department used a verification sent to the Claimant regarding the SER tax assistance request to close the case. Based on the credible testimony of the Claimant, she provided the employment information requested by the due date and was not working at the time. The Department did not adequately explain the basis for the FAP case closure and thus did not sustain its burden of proof. Based upon the forgoing, the Department improperly closed the Claimant's FAP case and must reinstate the case. BAM 130.

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that the Department

properly denied                       improperly denied  
Claimant's SER application for assistance with shelter emergency.

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that the Department

properly closed                       improperly closed

Claimant's Food Assistance case

**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 (SER denial).                       did not act properly (FAP closure).

Accordingly, the Department's decision is

AFFIRMED with regard to the denial of the SER application.

REVERSED with regard to the FAP case closure for the reasons stated on the record and as set forth in this Decision.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. The Department shall initiate reinstatement of the Claimant's FAP case retroactive to May 1, 2012, the date of closure and shall seek any necessary verification, if any is necessary to process the Claimant's FAP case.
2. The claimant shall be give 10 days to provide any response to the verification.
3. The Department shall issue a FAP supplement to the Claimant, if any, the Claimant is otherwise eligible to receive in accordance with Department policy.



**Lynn M. Ferris**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: May 14, 2012

Date Mailed: May 14, 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.

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

LMF/hw

cc:

