

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2012-59431
Issue No.: 5016
Case No.: [REDACTED]
Hearing Date: February 6, 2013
County: Oakland (02)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

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 February 6, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED]

ISSUE

Did the Department properly deny Claimant's request for State Emergency Relief (SER) assistance with energy or utility service(s), and mortgage payments?

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 May 21, 2012, Claimant applied for SER assistance with energy or utility service and mortgage payments.
2. On May 30, 2012, the Department sent notice of the application denial to Claimant.
3. On June 4, 2012, the Department received Claimant's hearing request, protesting the SER denials.

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 Mich Admin Code,

Rule 400.7001 through Rule 400.7049. Department policies are found in the State Emergency Relief Manual (ERM).

Water Shut-off

At the hearing the Department testified that the Claimant did not provide it with a shut-off notice. The Claimant stated that he had provided such a notice but was required to leave the original copy with the Department and no longer had that documentation.

In addition, the Department testified that it had called the Water Department and was told that the Claimant's water service was not in shut-off status.

The client must obtain required verification, but you must assist if they need and request help. BAM 130 (May 2012), p. 3).

Mortgage Arrearages

There was disagreement as to whether the Claimant was the owner of the property in question. In any event, the Claimant admitted that the home in question was not in foreclosure when he applied for assistance with the mortgage shortfall. Therefore, the Department was prohibited by policy to provide assistance on this issue.

Verification

Foreclosure/ Forfeiture/ Eviction

Foreclosure/forfeiture, or eviction from land or a mobile home park:

Court order or a written statement from the contract holder or mortgagee that there is a payment arrearage and failure to correct the deficiency may result in foreclosure or forfeiture proceedings.

A court summons, order or judgment that will result in the SER group becoming homeless. ERM 304 (August 2012), p. 5.

In the instant case there was no foreclosure begun and this fact was verified by the Claimant at the hearing.


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

properly denied improperly denied
Claimant's SER application for assistance with energy and utility services.

DECISION AND ORDER

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

Accordingly, the Department's decision is AFFIRMED REVERSED for the reasons stated on the record.


Michael J. Bennane
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: April 4, 2013

Date Mailed: April 4, 2013

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

MJB/cl

cc:

