

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

IN THE MATTER OF:

██████████
████████████████████
████████████████████

Reg. No.: 2013-25122
Issue No.: 5017
Case No.: ██████████
Hearing Date: May15, 2013
County: Wayne (31)

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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 15, 2013, from Detroit, Michigan. Claimant appeared and testified. Participants on behalf of the Department of Human Services (Department) included ██████████ Eligibility Specialist, and ██████████ Lead Worker.

ISSUE

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

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 October 31, 2012, Claimant applied for SER assistance with home repairs.
2. On November 7, 2012, the Department sent Claimant a SER Verification Checklist (VCL) requesting that Claimant submit proof from a licensed provider indicating that the repairs would make the home livable and verification of home ownership by November 14, 2012. (Exhibit 1).
3. On November 26, 2012, the Department sent Claimant a State Emergency Relief Decision Notice informing him that his application for SER assistance for home repairs had been denied due to a failure to verify necessary information. (Exhibit 2).

4. On December 7, 2012, the Department received Claimant's hearing request, protesting the SER Decision Notice.

CONCLUSIONS OF LAW

Department policies are found in the Department of Human Services Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), Reference Tables Manual (RFT), and State Emergency Relief Manual (ERM).

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, R 400.7001 through R 400.7049.

Additionally, SER assists with home repairs to correct unsafe conditions and restore essential services. ERM 304 (August 2012), p. 1. Non-energy related repairs include all home repairs for client owned housing except furnace repair or replacement. Door and window repairs are considered non-energy related repairs and payment is authorized only if the repair is essential to remove a direct threat to health or safety or is required by law or a mobile home park regulation. These repairs must restore the home to a safe, livable condition. ERM 304, p.2. For home repairs, verification in the form of a statement from a licensed provider indicating that the repair will remove a direct threat to health or safety or is required by law is required. ERM 304, p. 5. The Department is to send a VCL to request verification and to notify the client of the due date for returning the verifications. The client must make a reasonable effort to obtain required verifications. ERM 103 (August 2012), p.5.

In this case, Claimant requested a hearing regarding the SER denial of his request for assistance with home window repairs. Claimant submitted an application for SER on October 31, 2012 seeking assistance with his home window repairs. On November 7, 2012, the Department sent Claimant a SER VCL requesting that Claimant submit proof from a licensed provider indicating that the repairs would make the home livable and verification of home ownership. Claimant was instructed to submit the necessary information by November 14, 2012. (Exhibit 1). At the hearing, Claimant testified and the Department confirmed that Claimant submitted proof of home ownership on November 16, 2012. The Department testified that because it did not receive a statement from a licensed provider that the repairs would make the home livable by the November 14, 2012 due date, the Department denied Claimant's application. On November 26, 2012, the Department sent Claimant a State Emergency Relief Decision Notice informing him that his application for SER assistance for home repairs had been denied due to a failure to verify necessary information. (Exhibit 2). Claimant confirmed that he does have the required statement from a licensed provider, but that he did not submit the requested information to the Department until March 11, 2013.

As such, the Department acted in accordance with Department policy when it denied Claimant's application for SER assistance for assistance with home window repair based on a failure to verify necessary information.

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 acted in accordance with Department policy when it denied Claimant's application for SER.

Accordingly, the Department's decision is AFFIRMED.



Zainab Baydoun

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

Date Signed: June 3, 2013

Date Mailed: June 3, 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

ZB/cl

2013-25122/ZB

cc:

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