

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

IN THE MATTER OF:

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

Reg. No.: 2013-27077
Issue No.: 5016
Case No.: ██████████
Hearing Date: June 19, 2013
County: Gogebic

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

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 hearing was held on June 19, 2013, in Bessemer, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████, County Director, ██████████, ES, and ██████████. ██████████, Agent of the Office of Inspector General, was also present.

ISSUE

Did the Department properly deny Claimant's request for State Emergency Relief (SER) assistance with energy or utility service(s) due to failure to provide proof of assets?

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 29, 2012, Claimant applied for SER assistance with energy or utility service. (Exhibit 1, p.11)
2. On November 27, 2012, the Department issued a memo to Claimant, requesting Claimant's bank statements. (Exhibit 1, p.10)
3. Claimant received the November 27, 2012 memo.
4. Claimant did not submit the bank statements by January 3, 2013.
5. On January 3, 2013, the Department sent Claimant notice of the application denial due to failure to provide proof of assets. (Exhibit 1, p. 1)

6. On January 10, 2013, the Department received Claimant's hearing request, protesting the SER denial.

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).

ERM 102 instructs:

Applicants must cooperate with the following:

The application process.

Provide verifications.

Answer all questions truthfully and completely, whether written or oral.

Deny SER if applicants refuse to take action or provide information within their ability, or withdraw their application.

ERM 103 instructs:

VERIFICATION

Clients must be informed of all verifications that are required and where to return verifications. The due date is **eight calendar days** beginning with the date of application. If the application is not processed on the application date, the deadline to return verification is eight calendar days from the date verification is requested. This does not change the standard of promptness date.

Use the DHS-3503, SER Verification Checklist, to request verification and to notify the client of the due date for returning the verifications.

In the present case, on May 29, 2012, Claimant applied for SER assistance with energy or utility service. (Exhibit 1, p.11) On November 27, 2012, the Department issued a memo to Claimant, requesting Claimant's bank statements. (Exhibit 1, p.10) At the hearing, Claimant did not dispute that he received the November 27, 2012 memo. Claimant also did not dispute that he did not submit the bank statements by January 3, 2013. On January 3, 2013, the Department sent Claimant notice of the application denial due to failure to provide proof of assets. (Exhibit 1, p. 1)

Although the Department did not use the SER Verification Checklist to request verification, I find this to be harmless error, as the November 27, 2012 memo from Claimant's Department specialist details the documents requested. In addition, even though the memo does not specify the due date, the Department allowed more than eight calendar days from the request of verification. See ERM 103. Moreover, the Department specialist testified credibly at the hearing that as of the date of the hearing

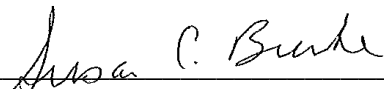
Claimant had not submitted the requested verification. Under these facts, I find that the Department was correct in its decision to deny Claimant's SER application due to failure to failure to provide proof of assets.

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 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.

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



Susan C. Burke
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: June 25, 2013

Date Mailed: June 26, 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.

2013-27077/SCB

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

SCB/tm

cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
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