

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

IN THE MATTER OF:

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████████████████████

Reg. No.: 2013-33400
Issue No.: 5026;5032
Case No.: ██████████
Hearing Date: June 12, 2013
County: Wayne (43)

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 June 12, 2013, from Detroit, Michigan. Claimant and his wife, ██████████ appeared and testified. Participants on behalf of the Department of Human Services (Department) included ██████ ██████ Eligibility Specialist.

ISSUE

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

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 February 4, 2013, Claimant submitted an application for SER assistance.
2. On February 14, 2013, the Department sent Claimant an Application Notice informing him that his application for SER was denied due to a failure to provide the Department with information needed to determine eligibility. (Exhibit 2).
3. On February 25, 2013, the Department received Claimant's hearing request disputing the actions of the Department.

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

Additionally, Claimant submitted an application for SER on February 4, 2013. On February 14, 2013, the Department sent Claimant an Application Notice denying his SER application due to Claimant's failure to provide the Department with the information needed to determine eligibility. (Exhibit 2). At the hearing, the Department testified that the SER application requires that an applicant submit proof that the applicant is paying for shelter/heat/electric/utility bills for any of the last six months. (Exhibit 1, p. 6). The Department stated that because Claimant completed that portion of the application, but did not attach the required proofs, the application was denied, pursuant to BAM 130 (May 2012). However, when an application is submitted containing the minimum information required to register the application but not enough information to determine eligibility, the Department must retain the application and give the client a Verification Checklist (VCL) requesting that the client contact the Department to complete the missing information, the due date for missing information and the interview date, if applicable. BAM 115 (January 2013), p 4. The Department may not deny an incomplete application until ten calendar days from the later of either (i) the initial request in writing to the applicant to complete the application form or supply missing information or (ii) the initial scheduled interview. BAM 115, p 5.

In this case, Claimant submitted an application that had the minimum information required to register the application. He also submitted a summons with his application indicating that an eviction was taking place. Claimant testified that he was not aware that he was required to submit proof of rental receipts with his application. Rather than the Department sending Claimant a VCL requesting verification of the missing six months of rental receipts and other information, and allowing Claimant ten calendar days to provide it, the Department improperly denied his application for failure to provide information necessary. BAM 115, pp. 4-5. At the hearing, the Department did not present any evidence to establish that it sent Claimant a VCL and that Claimant did not respond within the required time. Instead, the Department testified that because Claimant did not attach the proofs with his application, Claimant's application was denied. The Department testified that it was not required to request verifications because the application clearly states to attach proofs. This is not correct. Therefore, the Department did not act in accordance with Department policy when it denied Claimant's February 4, 2013 SER application.

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 not act in accordance with Department policy when it denied Claimant's February 4, 2013 application for SER. Accordingly, the Department's decision is REVERSED.

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

1. Reregister Claimant's February 4, 2013 application for SER;
2. Begin reprocessing the applications in accordance with Department policy and consistent with this Hearing Decision; and
3. Issue a new SER Decision Notice for the application.



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

Date Signed: July 3, 2013

Date Mailed: July 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 affect the substantial rights of the claimant,
 - failure of the ALJ to address other relevant issues in the hearing decision.

2013-33400/ZB

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

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