

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-37857
Issue No.: 5017
Case No.: [REDACTED]
Hearing Date: July 10, 2013
County: Wayne DHS (49)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 July 10, 2013, from Detroit, Michigan. Participants included the above-named Claimant. Participants on behalf of the Department of Human Services (DHS) included [REDACTED], Supervisor, and [REDACTED], Specialist.

ISSUE

The issue is whether DHS properly denied Claimant's State Emergency Relief (SER) application requesting home repair assistance due to an alleged failure by Claimant to complete the application.

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 1/28/13, Claimant applied for SER seeking help for payment of a furnace.
2. Claimant's SER application (Exhibit 1) was incomplete in some unspecified fashion.
3. On an unspecified date, Claimant completed the SER application.
4. On 2/13/13, DHS denied Claimant's application due to the group not meeting program requirements.

5. On 3/25/13, Claimant requested a hearing to dispute the SER application denial.
6. On an unspecified date after the SER denial, Claimant received a furnace but had not yet paid for it.

CONCLUSIONS OF LAW

The application for SER is the DHS-1514 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 final administrative rules filed with the Secretary of State on October 28, 1993. MAC R 400.7001-400.7049. DHS (formerly known as the Family Independence Agency) policies are found in the Emergency Relief Manual (ERM).

SER is a program which offers assistance for various client emergencies. Clients may seek assistance through SER for any of the following: heat or gas bills, water bills, electricity bills, home repairs, rent or mortgage arrearages, relocation expenses including rent and security deposit, food, burials or migrant hospitalization. The present case is concerned with an SER application for home repairs.

The application for SER is the DHS-1514, Application for State Emergency Relief. ERM 103 (8/2012), p. 1. All SER applicants must complete this form unless they apply online through MIBridges for an SER covered service. *Id.* Incomplete applications may be filed, but must be completed before authorizing SER. *Id.*

Initially, DHS contended through testimony that Claimant's SER application was properly denied because Claimant submitted an incomplete application. After questioning regarding whether Claimant was informed of the allegedly incomplete application or if she was given an opportunity to complete the application, DHS conceded that Claimant subsequently completed the SER application and that the denial was improper.

The proper remedy for the improper denial is to reinstate and process Claimant's application. In previous administrative hearings, DHS contended that clients are not eligible for SER once the emergency is resolved. The contention should be addressed in the present case so that it is clear how the SER application should be processed.

The present SER application concerned a need for a new furnace. Claimant conceded that she received a new furnace from a company. Presumably, Claimant received the furnace, in part, due to her age (she's 85 years old), her low income status and the immense generosity of an unknown furnace company. Claimant also stated that she has to pay for the new furnace, but that the company is not pressuring her to make payments.

Based on the presented circumstances, there are two reasons that DHS should evaluate Claimant's SER application based on Claimant's circumstances from 1/28/13.


First, it would be unjust if DHS was rewarded with not making an SER payment after committing a processing error. Secondly, Claimant's emergency is not technically resolved. It is plausible that the installation company will repossess the furnace because it is not yet paid for.

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 DHS improperly denied Claimant's SER application. It is ordered that DHS:

- (1) reregister Claimant's SER application dated 1/28/13; and
- (2) process Claimant's application subject to the findings that Claimant completed the SER application and that her emergency is not yet resolved.

The actions taken by DHS are REVERSED


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

Date Signed: 7/29/2013

Date Mailed: 7/29/2013

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. (60 days for FAP cases)

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.

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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

CG/hw

cc:

