

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-67720
Issue No.: 5016
Case No.: [REDACTED]
Hearing Date: October 10, 2013
County: SSPC-West

ADMINISTRATIVE LAW JUDGE: Susanne E. Harris

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 October 10, 2013, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of the Department of Human Services (Department) included Assistance Payments Worker (APW), [REDACTED].

ISSUE

Did the Department properly process Claimant's request for State Emergency Relief (SER) assistance with utility/energy services?

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 August 13, 2013, Claimant applied for SER assistance with utility/energy services.
2. On August 23, 2013, the Department sent Claimant the SER Decision Notice.
3. On August 28, 2013, Claimant filed a hearing request, protesting the SER decision.

CONCLUSIONS OF LAW

The State Emergency Relief (SER) program is established by the Social Welfare Act, MCL 400.1-.119b. The SER program is administered by the Department (formerly known as the Family Independence Agency) pursuant to MCL 400.10 and by Mich Admin Code, R 400.7001 through R 400.7049. Department policies are found in the Department of Human Services State Emergency Relief Manual (ERM).

The Claimant testified that he had all of his verifications when he applied because he knew he would need them because he has received assistance before. He was told that it was not needed at that time. He got the checklist on August 21, 2013 and had only one day to submit his proofs. He therefore took the verifications right down to the local office and the local office worker promised to fax them for him. The APW testified that the verifications he received from the local office were date stamped August 26, 2013, three days after his case was denied. The record was held open until 5:00 p.m. for the APW to submit the verifications he reference and they were received. They are entered into evidence as Department's Exhibit 4, and they are date stamped as being received on August 26, 2013. The Claimant also testified that he did telephone his APW, but the Claimant could not be specific about when that was or why he telephoned. The Claimant indicated that he could not be specific as "this is running altogether...I have since reapplied twice."

Additionally, ERM 103 (2007) p. 4, provides that, using a DHS-3503, Verification Checklist, Claimants be told what verification is required, how to obtain it, and the due date of eight days beginning with the date of the application. In this case, that did occur. The DHS-3503, Verification Checklist was sent to the Claimant on Thursday, August 15, 2013 but the Claimant testified that he did not receive it until August 21, 2013. The Claimant testified that he did then take his proofs directly to the local office where it was promised the proofs would be faxed to the APW at SSPC-West in Grand Rapids. The Claimant's testimony is not found to be credible nor persuasive, as it is not supported by Department's Exhibit #4. The proofs were not received in the local office until after the Claimant's application was denied. The evidence does not support that the Claimant asked for assistance or requested an extension of time to obtain the verifications. ERM 103, p. 4 provides that the Standard of Promptness for an SER application is 10 calendar days. The Administrative Law Judge concludes that the Department had not received the verifications within 10 calendar days and that the Claimant did not request an extension of time to submit the verifications. Therefore, when the Department took action to deny the Claimant's SER application, the Department was acting in accordance with its policy.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it issued its SER Decision Notice.

DECISION AND ORDER

Accordingly, the Department's SER decision is **AFFIRMED**.

/s/
Susanne E. Harris
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 10/25/13

Date Mailed: 10/28/13

NOTICE OF APPEAL: 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

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).

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

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The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-07322

SEH/tb

cc:

