

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

IN THE MATTER OF:



Reg. No.: 2013-15012
Issue No.: 5032
Case No.: [REDACTED]
Hearing Date: February 13, 2013
County: Wayne (49)

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 telephone hearing was held on February 13, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of Department of Human Services (Department) included [REDACTED] and [REDACTED], FIM.

ISSUE

Was the Department correct in not issuing a payment toward a security deposit pursuant to its State Emergency Decision Notice of August 10, 2012?

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 10, 2012, the Department issued a State Emergency Relief Decision Notice which stated that the Department would pay \$620.00 toward a security deposit upon proof that Claimant paid \$280.00 toward the security deposit by August 31, 2012. (Exhibit 1)
2. On August 29, 2012, Claimant provided proof of a money order issued for the deposit in the amount of \$284.00 via e-mail to Claimant's Department worker, but inadvertently copied the reverse side of the money order, which did not show the name of the recipient. (Exhibit 2)

3. The Department worker did not attempt to contact Claimant by phone or e-mail by August 31, 2012 to clarify Claimant's error.
4. The Department did not issue its payment toward the security deposit.
5. On November 21, 2012, Claimant filed a hearing request, protesting the Department's action.

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 303, p. 1, instructs:

State Emergency Relief (SER) assists individuals and families to resolve or prevent homelessness by providing money for rent, security deposits, and moving expenses.

In the present case, On August 10, 2012, the Department issued a State Emergency Relief Decision Notice, stating that the Department would pay \$620.00 toward a security deposit upon proof that Claimant paid \$280.00 toward the security deposit by August 31, 2012. (Exhibit 1)

On August 29, 2012, Claimant provided proof of a money order issued for the deposit in the amount of \$284.00 via e-mail to Claimant's Department worker, but inadvertently copied the reverse side of the money order, which did not show the name of the recipient. (Exhibit 2) However, Claimant stated in her e-mail, "hello this is the copy of the money order for the deposit to be released thanks . . ." (See Exhibit 2) The Department did not issue its payment toward the security deposit.

The Department worker at the hearing testified that since the e-mail submitted by Claimant on August 29, 2012 did not specify to whom the money order was issued and the amount of the money order (\$284.00) was a different amount from that stated in the State Emergency Decision Notice (\$280.00), he did not believe that the e-mail was sufficient proof that Claimant paid her portion of the security deposit.

BAM 105, p. 1, instructs:

- The local office must do **all** of the following:
- Determine eligibility.
 - Calculate the level of benefits.
 - Protect client rights.

Claimant's proof contained obvious error, which the Department with a phone call or e-mail to Claimant between August 29, 2012 and August 31, 2012 (the deadline) could have remedied. If Claimant did not respond to the e-mail or phone call by August 31, 2012, then the Department could have correctly chosen not to pay its portion of the security deposit. However, since the Department did not attempt to correct the obvious error by contacting Claimant prior to the deadline, I find that the Department did not protect Claimant's rights and was therefore not correct in not issuing its portion of the security deposit.

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that the Department was not correct in not issuing a payment toward a security deposit pursuant to its State Emergency Decision Notice of August 10, 2012.

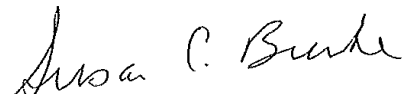
DECISION AND ORDER

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 the Department
 did act properly. did not act properly.

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

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

Initiate issuance of payment in the amount of \$620.00 to Claimant's landlord, consistent with its State Emergency Decision Notice of August 10, 2012.



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

Date Signed: February 15, 2013

Date Mailed: February 20, 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 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

SCB/tm

cc:

