

**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.: 2013-34155
Issue Nos.: 5016, 5032
Case No.: ██████████
Hearing Date: July 19, 2013
County: Wayne (43)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

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 13, 2013, from Detroit, Michigan, before Administrative Law Judge Michael Bennane. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████ ██████████, Jobs, Education and Training (JET) Case Manager, and ██████████, Specialist, Office of Child Support.

On July 5, 2013, the case was reassigned to Administrative Law Judge Jan Leventer for preparation of a decision and order.

ISSUE

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

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 January 23, 2013, Claimant applied for SER assistance with utilities and shelter emergency.
2. On January 23, 2013, the Department sent notice of the application denial to Claimant.

3. On March 4, 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).

Additionally, the following findings of fact and conclusions of law are entered in this case.

The Department's reason for denial of SER benefits to Claimant is that she failed to cooperate with the Department's Office of Child Support (OCS). OCS is responsible for paternity and child-support enforcement activity on behalf of the Department. Department of Human Services Bridges Eligibility Manual (BEM) 255 (2011); Dept. Exh. 1.

The Department's Bridges Administrative Manual (BAM) 105, "Rights and Responsibilities," is the Department policy applicable in this case. BAM 105 requires the Department to determine eligibility, provide benefits and protect client rights. The client for her or his part must cooperate fully with all requests for necessary information. Department of Human Services Bridges Administrative Manual (BAM) 105 (2013).

At the hearing in this case the Claimant gave credible and un rebutted testimony that in 2012 she gave the Department all the information she had regarding the father of the child. This information consisted of a nickname. In February, 2013, a man identifying himself as the uncle of the child's father approached her in [REDACTED] and entered into a conversation with her, in which he gave Claimant the father's full name. Claimant contacted the Department with this information as well.

Having carefully considered all of the evidence in this case in its entirety, it is found and determined that Claimant fulfilled her obligations under BAM 105 to cooperate fully in providing information to the Department. At first she gave the nickname she had for the father, and she contacted the Department again and provided them with the father's full name. It is found and concluded that these actions demonstrate full cooperation, and it is now the Department's responsibility to protect her right to benefits.

The Department asserted at the hearing that the fact that Claimant gave "different" information on two occasions, means that Claimant is untruthful. The Department further asserts that because neither items of information resulted in a successful identification of the father, this also means that Claimant is untruthful. These arguments are rejected because a person's nickname and their full name are going to be different in most cases, as a nickname is usually something other than a person's real name. It cannot be inferred that a witness is untruthful because they report a nickname and then

later learn of a full name and report it. The person is merely adding to the store of available information.

The Department is also illogical in asserting that because their system of tracking and identifying persons failed to identify the father, that the correct conclusion is that the Claimant is untruthful. The only logical conclusion from the OCS inability to track the father, is that the system was unsuccessful in finding the father, and not that the customer supplying the information is untruthful. The Department's assertions that the Claimant is untruthful are rejected in this case as they have no basis in the facts presented.

In conclusion, 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

properly denied improperly denied
Claimant's SER application for assistance with utilities and a shelter emergency.

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 on the record.

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

1. Re-register Claimant's SER application for utility and shelter assistance.
2. Assign Claimant a date of cooperation with OCS as the date Claimant gave the nickname of the child's father in 2012.
3. Process Claimant's SER application, and provide retroactive and ongoing SER benefits as appropriate.
4. All steps shall be taken in accordance with Department policy and procedure.



Jan Leventer
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: August 13, 2013

Date Mailed: August 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 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.

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

JL/tm

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