

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2014-598
Issue No.: 5001
Case No.: [REDACTED]
Hearing Date: December 12, 2013
County: Wayne (76)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on December 12, 2013, from Detroit, Michigan. Participants included the above-named Claimant. Participants on behalf of the Department of Human Services (DHS) included [REDACTED], Specialist.

ISSUE

The issue is whether DHS properly determined Claimant's State Emergency Relief (SER) eligibility.

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 an unspecified date, Claimant applied for SER seeking payment for property taxes and a water bill.
2. Claimant sought payment for property taxes and utilities of a home that was her usual residence.
3. On [REDACTED]/13, DHS denied Claimant's SER request for the reason that Claimant sought assistance for property taxes and a utility bill at a home that was not Claimant's usual residence.
4. On [REDACTED]/13, Claimant requested a hearing to dispute the denial of SER.

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 contained in the Department of Human Services Emergency Relief Manual (ERM).

Claimant requested a hearing to dispute the denial of SER seeking assistance with a property tax arrearage and water bill balance. It was not disputed that the official reason for denial was because DHS determined that Claimant's home was not her usual residence.

For home ownership service eligibility, it is required that an SER group member is an owner or purchaser of the home. ERM 304 (3/2013), p. 4. For water service eligibility, the bill does not have to be in the client's name but it must be connected to the group's current address. ERM 302 (3/2013), p. 2.

During the hearing, DHS conceded that Claimant was the owner and resident of the home for which she sought assistance. DHS conceded that the official reason for SER denial was improper. Accordingly, DHS will be required to redetermine Claimant's SER eligibility.


DHS also contended that Claimant's property tax request was properly denied because Claimant's property tax arrearage exceeded the amount payable through SER. The DHS contention may be accurate but DHS must make that determination in compliance with their regulations (such as providing written notice to Claimant) rather than first raising the issue at administrative hearing. Thus, the issue will not be addressed in this administrative decision.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly denied Claimant's application for SER. It is ordered that DHS perform the following actions:

- (1) reinstate Claimant's SER application associated with a denial dated 9/12/13;
- (2) process Claimant's SER eligibility subject to the finding that Claimant is the owner and resident of the property associated with Claimant's request for property tax and utility bill payment.

The actions taken by DHS are **REVERSED**.


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

Date Signed: 1/2/2014

Date Mailed: 1/2/2014

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.

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

CG/hw

cc:

