

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-000625
Issue No.: 6011; 3008
Case No.: [REDACTED]
Hearing Date: MAY 7, 2014
County: WAYNE-DISTRICT 18

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 May 7, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Family Independence Manager; [REDACTED], Eligibility Specialist; and [REDACTED], Lead Specialist with the Office of Child Support (OCS).

ISSUE

Did the Department properly deny Claimant's January 28, 2014 application for State Emergency Relief (SER) assistance?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Claimant is an ongoing recipient of FAP benefits.
2. On January 28, 2014, Claimant applied for SER assistance with rent and relocation services.
3. On March 19, 2014, the Department sent notice of the application denial to Claimant.
4. On March 28, 2014, the Department received Claimant's hearing request, protesting the SER denial and the amount of her Food Assistance Program (FAP) benefits.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

Claimant requested a hearing concerning the denial of her SER application and the calculation of her FAP benefits. At the hearing, Claimant testified that her FAP issues had been addressed to her satisfaction and she wished to withdraw her hearing request concerning the FAP matter. The Department agreed to the withdrawal. Accordingly, Claimant's March 28, 2014 hearing request is dismissed with respect to the FAP issue. The hearing proceeded to address Claimant's SER issue.

The 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 Mich Admin Code, R 400.7001 through R 400.7049.

In this case, the Department testified that it denied Claimant's January 28, 2014 SER application for assistance with rent and relocation services because she was in noncompliance with child support reporting obligations with respect to two of her children, N and H. A client that is non-cooperative with OCS is ineligible for SER and the ineligibility continues until the client complies. ERM 203 (June 2013), p. 2.

OCS participated in the hearing and acknowledged that, at the time Claimant's January 28, 2014 application was processed, the child support sanction concerning N was improperly entered. OCS testified that it became aware of its error on April 11, 2014, at which time it entered an April 17, 2010 compliance date for Claimant's noncooperation concerning N. Because Claimant was not in noncooperation with child support reporting obligations concerning N at the time she filed her SER application, the SER application was improperly denied to the extent it was based on child support noncooperation concerning N. However, this error was harmless in light of the fact that there continued to be a child support sanction concerning H until April 7, 2014. OCS testified that, although Claimant had previously requested a good cause excuse for failing to provide information concerning H's paternity, her request had been denied for lack of sufficient documentation. OCS contacted Claimant on April 7, 2014 in connection with her hearing request. At that time, Claimant provided sufficient information concerning H's paternity and OCS entered an April 7, 2014 comply date concerning Claimant's reporting obligations concerning H. Thus, Claimant was not in compliance with her child support reporting obligations concerning H at the time she submitted her SER application on January 28, 2014 and that noncompliance continued until after the Department sent Claimant the March 19, 2014 SER Decision Notice denying the application.

Because there continued to be an outstanding child support noncooperation sanction against Claimant at the time her SER application was submitted and processed, 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 denied Claimant's January 28, 2014 SER application.

DECISION AND ORDER

Claimant's March 28, 2014 hearing request concerning her FAP case is DISMISSED.

The Department's SER decision is AFFIRMED.



Alice Elkin
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **5/16/2014**

Date Mailed: **5/16/2014**

ACE / tf

cc:

