

**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.: 14-004269
Issue No.: 5001, 5002
Case No.: ████████████████████
Hearing Date: August 28, 2014
County: WAYNE (19)

ADMINISTRATIVE LAW JUDGE: Jacquelyn A. McClinton

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 August 28, 2014, from Detroit Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ████████████████████, Eligibility Specialist.

ISSUE

Did the Department properly calculate Claimant's eligibility for State Emergency Relief (SER) assistance with her security deposit?

Did the Department properly deny Claimant's application for SER assistance relating to moving expenses?

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 May 13, 2014, Claimant applied for an SER for assistance with her security deposit and moving expenses.
2. On May 13, 2014, the Department sent Claimant an SER Decision Notice notifying her that it would pay \$49.00 towards her security deposit after she paid \$276.00 towards the deposit.

3. On May 13, 2014, the Department sent Claimant a Verification Checklist (VCL) requesting that she provide a bill or written statement regarding her moving expenses by May 20, 2014.
4. Claimant failed to provide any documentation regarding her moving expenses by May 20, 2014.
5. On May 27, 2014, the Department sent Claimant an SER Decision Notice notifying her that her request for assistance relating to her moving expenses had been denied.
6. On June 3, 2014, Claimant filed a Request for Hearing disputing the Department's actions.

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).

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 Mich Admin Code, R 400.7001 through R 400.7049.

Security Deposit

On May 13, 2014, Claimant applied for an SER to assist with the payment of her security deposit. On May 13, 2014, the Department sent Claimant an SER Decision Notice notifying her that she was required to pay \$276.00 of the security deposit and if she did so by June 11, 2014, it would pay the remaining \$49.00. Claimant was unable to pay the \$276.00 by June 11, 2014 and therefore the Department did not release the \$49.00 payment.

Claimant testified that she requested the hearing because she did not understand how the Department determined that she was required to pay \$276.00 and that it was only willing to assist with payment of only \$49.00. When a client applies for SER, the Department is required to complete an SER budget in Bridges for each request/application. Bridges calculates payment maximums, required payments, income and asset copayment, client contributions, etc. based on the information entered from the SER application and determines eligibility or ineligibility for SER. ERM 103 (October 2013), p. 2. The Department failed to provide a budget or articulate in any way how it arrived at the calculations contained in the SER Decision Notice. Therefore, it is found that the Department failed to establish that it properly determined Claimant's required payment.

Moving Expenses

On May 13, 2014, Claimant also applied for an SER to assist with moving expenses. The Department testified that on May 13, 2014, it sent Claimant an SER VCL requesting an actual bill or written statement from provider or client statement by May 20, 2014. Although the VCL did not specify, the Department stated that the VCL was requesting a written statement regarding moving expenses. The Department testified that Claimant failed to provide any estimate of moving expenses. Department policy holds that a client must make a reasonable effort to obtain verifications. ERM, p. 6. Claimant confirmed that she made no efforts to obtain an estimate for moving expenses as she had solicited the assistance of friends to help her move. Claimant further stated that she did not have any receipts relating to moving expenses. It is found that the Department properly denied Claimant's SER regarding moving expenses as Claimant provided no proof of an actual need.

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 did not act in accordance with Department policy when it required Claimant to pay \$276.00 towards her security deposit. It is further found that the Department did act in accordance with policy when it denied Claimant's SER application for moving expenses.

DECISION AND ORDER

Accordingly, the Department's decision is **REVERSED**.

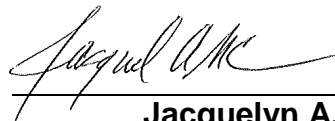
THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Redetermine Claimant's eligibility for security deposit based upon her May 13, 2014 application; and
2. Notify Claimant in writing with a State Emergency Relief Decision Notice.

Date Signed: 9/19/2014

Date Mailed: 9/19/2014

JAM/cl



Jacquelyn A. McClinton
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date.

A party may request a rehearing or reconsideration of this Hearing Decision from the Michigan Administrative Hearing System (MAHS) within 30 days of the mailing date of this Hearing Decision, or MAHS may order a rehearing or reconsideration on its own motion.

MAHS may grant a party's Request for Rehearing or Reconsideration 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 party requesting a rehearing or reconsideration 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 this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, 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

CC:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]