

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-005104
Issue No.: 5002
Case No.: [REDACTED]
Hearing Date: August 26, 2014
County: Barry

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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 26, 2014, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

ISSUE

Did the Department properly deny the Claimant's applications for State Emergency Relief (SER) benefits?

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 March 8, 2014, the Claimant submitted a State Emergency Relief (SER) application.
2. On March 11, 2014, the Department sent the Claimant a SER Verification Checklist (DHS-3503-SER) with a due date of March 18, 2014.
3. On March 19, 2014, the Department notified the Claimant that it had denied her March 8, 2014, application for failure to provide the Department with information necessary to determine her eligibility to receive benefits.
4. On May 16, 2014, the Claimant submitted a State Emergency Relief (SER) application.
5. On May 16, 2014, the Department sent the Claimant a SER Verification Checklist (DHS-3503-SER) with a due date of May 23, 2014.
6. On May 23, 2014, the Department notified the Claimant that it had denied her May 16, 2014, application for failure to provide the Department with information necessary to determine her eligibility to receive benefits.

7. On June 3, 2014, the Claimant submitted a State Emergency Relief (SER) application.
8. On June 3, 2014, the Department notified the Claimant that it had denied her June 3, 2014, application because the crisis season had ended.
9. On June 13, 2014, the Department received the Claimant's request for a hearing, protesting the denial of her State Emergency Relief (SER) applications.

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.

Clients must cooperate with the local office in determining initial and ongoing eligibility and this includes the completion of necessary forms. Department of Human Services Bridges Assistance Manual (BAM) 105 (April 1, 2014), p 5.

Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level when it is required by policy, required as a local office option, or information regarding an eligibility factor is unclear, inconsistent, incomplete, or contradictory. The Department uses documents, collateral contacts, or home calls to verify information. A collateral contact is a direct contact with a person, organization, or agency to verify information from the client. When documentation is not available, or clarification is needed, collateral contact may be necessary. Department of Human Services Bridges Assistance Manual (BAM) 130 (July 1, 2014), pp 1-9.

The Claimant applied for State Emergency Relief (SER) benefits on March 8, 2014, and May 16, 2014. As part of its normal eligibility procedure, the Department sent the Claimant SER Verification Checklist (DHS-3503-SER) requesting verification of information necessary to determine her eligibility for benefits. The Claimant failed to provide the Department with this required information in a timely manner. The Department then proceeded to deny the Claimant's applications on March 19, 2014, and May 23, 2014, for failure to provide the Department with information necessary to determine her eligibility to receive benefits.

On June 3, 2014, the Claimant submitted another State Emergency Relief (SER) application.


Low-income households who meet all State Emergency Relief (SER) eligibility requirements may receive assistance to help them with household heat and electric costs. Funding for energy services assistance is provided through the Low Income Home Energy Assistance Program (LIHEAP). For energy related emergencies, the SER crisis season runs from November 1 through May 31. Requests for those services will be denied June 1 through October 31. Department of Human Services Emergency Relief Manual (ERM) 301 (October 1, 2013), p 1.

On June 3, the Department denied the Claimant's State Emergency Relief (SER) application because it was not submitted during the crisis season as defined in the Department's emergency relief manual.

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 the Claimant's State Emergency Relief (SER) applications after she did not make a reasonable attempt to provide the Department with the required information.

DECISION AND ORDER

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



Kevin Scully
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **9/4/2014**

Date Mailed: **9/4/2014**

KS/las

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:

