

**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.: 14-005576
Issue No.: 5001
Case No.: ██████████
Hearing Date: October 13, 2014
County: WAYNE (31)

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 October 13, 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 deny Claimant's application 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. In May 2014, Claimant applied for SER benefits to assist with car repairs.
2. On June 6, 2014, Claimant applied for SER benefits to receive assistance with rent payments and prevent eviction.
3. On June 12, 2014 the Department sent Claimant a Notice of Case Action advising that she had been approved for assistance with car repairs.
4. On June 17, 2014, the Department sent Claimant an SER Decision Notice notifying her that her application for SER benefits had been denied.
5. On June 16, 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.

As a preliminary matter, a review of Claimant's Request for Hearing revealed that it was filed on June 16, 2014, one day before the Department sent Claimant an SER Decision Notice notifying her that her application for SER benefits to prevent eviction had been denied. Accordingly, the undersigned does not have jurisdiction over this issue. Additionally, the Claimant testified that she has already been evicted from the location in which she requested the SER benefits. Therefore, the need no longer exists for the requested location. If Claimant is experiencing issues with a new residence or needs assistance with moving expenses to another location, she can complete a new SER application. Accordingly, this decision will only address the request for assistance with vehicle repair.

Department allows vehicle repair for clients who are recipients of FIP, CDC, MA benefits or who meet the criteria of a FAP Family. BEM 232 (October 2013), p. 15. On June 6, 2014, Claimant requested vehicle repair services from the Department. On June 12, 2014, the Department sent Claimant a Notice of Case Action notifying her that her request for vehicle repair had been approved. However, the Department testified it was unable to process the request because Claimant did not meet its definition of a FAP Family. Department policy holds that a FAP Family is an eligible group that includes a pregnant person, a child under age 18, or a child age 18 who is in high school full time. BEM 232, p. 2. Claimant confirmed that she did not have children under age 18.

The Department testified that it did not send Claimant a Notice of Case Action notifying her that her request for vehicle repair had been denied. Claimant confirmed that she did not receive written notice and only became aware of the denial after speaking with her assigned worker over the telephone. Therefore, the only written notice sent to Claimant was an approval. Further, the Department provided no evidence that Claimant was not a recipient of FIP or MA benefits. Accordingly, the Department failed to establish that it properly denied Claimant's request for vehicle repairs. Claimant is entitled to notice as to the reason for the denial and upon receipt of written notice; Claimant is entitled to appeal the Department's decision if she disagrees with the decision.

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

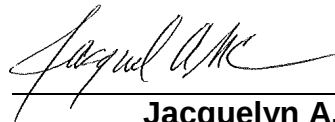
act in accordance with Department policy when it denied Claimant's request for vehicle repair.

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. Issue a payment to Claimant in accordance with the June 12, 2014 Notice of Case Action approving vehicle repair; or
2. Issue a Notice of Case Action notifying Claimant that her request for vehicle repair has been denied with a specific reason for the denial.



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

Date Signed: **10/29/2014**

Date Mailed: **10/29/2014**

JAM / cl

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]
[REDACTED]