

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 14-006126  
Issue No.: 5007  
Case No.: [REDACTED]  
Hearing Date: November 25, 2014  
County: Kent-District 1

**ADMINISTRATIVE LAW JUDGE:** Vicki Armstrong

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on November 25, 2014, from Grand Rapids, Michigan. Claimant, having originally asked for an in-person hearing in Kent County, requested to participate by telephone, having moved to Arizona in the interim. Participants on behalf of the Department of Human Services (Department) included Family Independence Manager [REDACTED] and Hearing Facilitator [REDACTED].

**ISSUE**

Did the Department properly process Claimant's request for State Emergency Relief (SER) assistance with utility/energy services?

**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 27, 2014, Claimant applied for SER assistance with utility/energy services.
2. On May 27, 2014, the Department sent Claimant the SER Verification Checklist, requesting a current statement from Claimant's checking account.
3. On June 5, 2014, the Department sent Claimant the SER Decision Notice, informing Claimant that no DHS payment will be made for any service until Claimant provided proof that she had paid \$ [REDACTED] of her heating/natural gas bill.
4. On June 27, 2014, Claimant filed a hearing request, protesting the SER decision.

**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 found in the Department of Human Services State Emergency Relief Manual (ERM).

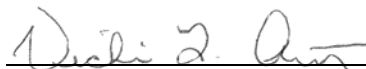
Claimant testified that she had received the SER Verification Checklist, but not the State Emergency Relief Decision Notice. A review of both forms shows they had the same address. Claimant stated she had called her case worker numerous times informing her of her change of address. However, Claimant could not remember when she called her case worker.

The Department did not have any information in Claimant's file indicating that the State Emergency Relief Decision Notice was returned as undeliverable. The proper mailing and addressing of a letter creates a presumption of receipt. That presumption may be rebutted by evidence. *Stacey v Sankovich*, 19 Mich App 638 (1969); *Good v Detroit Automobile Inter-Insurance Exchange*, 67 Mich App 270 (1976). Claimant failed to provide credible, material, and substantial evidence to rebut the presumption of receipt as the Department mailed all correspondence to Claimant's address of record.

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 issued its SER Decision Notice.

### **DECISION AND ORDER**

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



**Vicki Armstrong**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: **12/1/2014**

Date Mailed: **12/1/2014**

VLA/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 48909-8139

cc:

