

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-007726
Issue No.: 5001
Case No.: [REDACTED]
Hearing Date: August 27, 2014
County: Genesee-District 6

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 27, 2014, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] and [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED] [REDACTED]

ISSUE

Did the Department properly deny the Claimant's request 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 May 22, 2014, the Claimant applied for State Emergency Relief (SER) benefits.
2. On May 30, 2014, the Department approved the Claimant's State Emergency Relief (SER) application contingent upon the Claimant making a \$ [REDACTED] co-payment.
3. The Department refused to issue State Emergency Relief (SER) benefits in error after failing to acknowledge that the Claimant had provided verification that she had made her \$ [REDACTED] co-payment.
4. On July 22, 2014, the Department approved payment of State Emergency Relief (SER) benefits.
5. On July 9, 2012, the Department received the Claimant's request for a hearing, protesting the Department's refusal to issue State Emergency Relief (SER) 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).

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.

On May 22, 2014, the Claimant applied for State Emergency Relief (SER) benefits. On May 30, 2014, the Department approved the Claimant's State Emergency Relief (SER) application contingent upon the Claimant making a \$ [REDACTED] co-payment. The Department refused to issue State Emergency Relief (SER) benefits in error after failing to acknowledge that the Claimant had provided verification that she had made her required \$ [REDACTED] co-payment. On July 22, 2014, the Department authorized payment of State Emergency Relief (SER) benefits.

The Claimant testified that she had to pay more than her \$ [REDACTED] co-payment as a result of the Department's failure to issue State Emergency Relief (SER) benefits in a timely manner.

Department policy requires that State Emergency Relief (SER) applications take action within their ability to help themselves. Department of Human Services Emergency Relief Manual (BEM) 101 (March 1, 2013), p 1.


The Department issued the State Emergency Relief (SER) benefits that the Claimant was eligible to receive. These benefits were issued in a manner that was untimely and not consistent with Department policy.

However, benefits were ultimately not denied, and the Claimant did receive the benefits that she was eligible for. The fact that the Claimant was required to apply additional self-help measures to maintain her household is not inconsistent with Department policy because State Emergency Relief (SER) recipients are required to take action within their ability to help themselves.

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 the Claimant's State Emergency Relief (SER) benefits. While the benefits may not have been issued timely due to Department error, the Claimant has failed to establish that this entitles her to any additional benefits.

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:

