

**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.: 2014-21632
Issue No(s): 5001
Case No.: ██████████
Hearing Date: May 5, 2014
County: Wayne (82-57)

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

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, an in-person hearing was held on May 5, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████ ██████████ ██████████
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ISSUE

Did the Department properly process Claimant's request for State Emergency Relief (SER)?

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 December 3, 2013, Claimant applied for an SER for non-heat electricity and heat.
2. On December 3, 2013, Claimant was sent a notice of approval indicating the Department would pay \$422.17 toward non-heat electricity and \$4.32 toward heat assistance.
3. On January 6, 2014, Claimant applied for water and sewage SER assistance.
4. On January 13, 2014, Claimant filed a request for hearing.

5. On January 15, 2014, Claimant was approved for \$175 in water and sewage SER assistance.

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 by Mich Admin Code, R 400.7001 through R 400.7049.

In the instant case, Claimant testified she has applied several time for SER assistance. She applied in both December 2013 and January 2014. Claimant testified she never received a decision notice for either of her applications. The Department presented at hearing a copy of December 3, 2013, and January 15, 2014, decision notices purported to have been mailed to Claimant. Claimant testified the address on the documents was, in fact, her address. Claimant testified she has had issues in the past with her mail arriving late but she testified the notices purported to have been sent never arrived. The Department representative testified his typical practice with regard to an SER application is to issue a local office copy to Claimant and send a notice through central print to clients.


Claimant was satisfied with the amount paid in regards to her December 2013 request for SER assistance. However, she alleged she never received the second notice sent on January 15, 2014, for her second SER request and, therefore, she did not submit to the Department evidence she had made the required co-payment or proof she had entered into a payment arrangement. Therefore, she did not receive the \$175 approved for her water and sewage assistance.

After reviewing the evidence and testimony, the Department has demonstrated notices were sent on December 3, 2013, and January 15, 2014. Although Claimant did not believe she had received either notice, the notices were sent to Claimant at the address she had verified on the record and Claimant denied any issues with her mail other than it arriving late. The Department testified that the Notices were sent from both the local office and central print office in Lansing in the ordinary course of business. Under these facts, Claimant has failed to rebut the presumption that she received the Notice. See *Good v Detroit Automobile Inter-Insurance Exchange*, 67 Mich App 270, 275-278 (1976).

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 processed the Claimant's SER requests.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.



Jonathan W. Owens
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: May 8, 2014

Date Mailed: May 8, 2014

NOTICE OF APPEAL: The claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely Request for Rehearing or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

Michigan Administrative Hearing System (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. MAHS will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request (60 days for FAP cases).

A Request for Rehearing or Reconsideration may be granted 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 Department, AHR or the claimant 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 the hearing decision is mailed.

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

2014-21632/JWO

JWO/pf

cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]