

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2014-32537
Issue No(s): 3000, 5002
Case No.: [REDACTED]
Hearing Date: April 16, 2014
County: DHS-SSPC Central

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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 April 16, 2014, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED], the Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED] Hearing Coordinator.

ISSUE

Did the Department properly deny the Claimant's State Emergency Relief (SER) application for non-heat electricity and heat natural gas/wood/other?

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 3, 2014, Claimant applied for SER for non-heat electricity and heat natural gas/wood/other.
2. On March 4, 2014, a SER Verification Checklist was issued to Claimant to provide needed proofs by March 11, 2014.
3. On March 11, 2014, a SER Decision Notice was issued to the Claimant stating the SER request was denied based on a failure to provide verifications.
4. On March 18, 2014, Claimant filed a request for hearing¹ contesting the Department's action.

¹ On the March 18, 2014 request for hearing, Claimant also marked that he was contesting a Department action regarding the Food Assistance Program (FAP) benefit program. During the April 16, 2014 telephone hearing

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.

Clients must be informed of all verifications that are required and where to return verifications. The due date is **eight calendar days** beginning with the date of application. If the application is not processed on the application date, the deadline to return verification is eight calendar days from the date verification is requested. ERM 103 (emphasis in original)

On March 3, 2014, Claimant applied for SER for non-heat electricity and heat natural gas/wood/other. On March 4, 2014, a SER Verification Checklist was issued to Claimant to provide needed proof(s) by March 11, 2014. On March 11, 2014, a SER Decision Notice was issued to the Claimant stating the SER request was denied based on a failure to provide verification. The verifications were received at the local Department office on March 12, 2014.

Claimant testified he did not receive the March 4, 2014 SER Verification Checklist until one or two days before the due date. Claimant was told he could drop the paperwork off at the local Department office. Claimant dropped it off at the Department office when he got it, but was told it was too late. However, Claimant has also been told both that it was received and that it was never received. Similarly, after Claimant re-applied for SER Claimant was told he did not put a SER in, but then was later told they found the confirmation number for his SER application.

The Department presented sufficient evidence that the verification was requested in accordance with the ERM 103 policy, which only allows for eight calendar days to return the verifications. Claimant did not return the requested verification by the March 11, 2014 due date. Rather, the verifications were returned on March 12, 2014. Accordingly, the denial of Claimant's March 3, 2014 SER application must be upheld.


As noted during the telephone hearing proceedings, there is no jurisdiction to review the Department's actions regarding the more recent SER application. Claimant may file another timely hearing request if he disagrees with a Department's action.

proceedings, Claimant withdrew the FAP portion of his hearing request. Accordingly, the FAP issue is DISMISSED.

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) application for non-heat electricity and heat natural gas/wood/other.

DECISION AND ORDER

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



Colleen Lack
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: May 6, 2014

Date Mailed: May 6, 2014

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides or has its principal place of business in the State, 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

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CL/hj

cc:

