

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

IN THE MATTER OF:



Reg. No.: 15-001558
Issue No.: 5002
Case No.: [REDACTED]
Hearing Date: March 18, 2015
County: Wayne (15)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 March 18, 2015, from Detroit, Michigan. Participants included [REDACTED] Claimant's daughter, as Claimant's authorized hearing representative (AHR). Participants on behalf of the Department of Human Services (DHS) included [REDACTED], specialist.

ISSUE

The issue is whether DHS properly denied Claimant's application for State Emergency Relief (SER) due to a failure by Claimant to verify assets.

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 [REDACTED], Claimant applied for SER seeking money to assist with the costs of her father's burial.
2. On [REDACTED] DHS faxed a Verification Checklist (VCL) to Claimant requesting verification of Claimant's assets.
3. The VCL did not include a due date.
4. On an unspecified date in 11/2014, Claimant submitted to DHS verification of Claimant's assets.

5. On [REDACTED] DHS mailed Claimant a State Emergency Relief Decision Notice (Exhibits 1-2) informing Claimant that denied Claimant's SER request was denied due to a failure to verify assets.
6. On [REDACTED] Claimant's daughter requested a hearing to dispute the SER application denial for burial costs.

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 DHS (formerly known as the Family Independence Agency) pursuant to MCL 400.10 and Mich Admin Code, R 400.7001 through R 400.7049. DHS policies are contained in the Department of Human Services Emergency Relief Manual (ERM).

Claimant requested a hearing to dispute an SER application denial for burial costs. DHS presented a State Emergency Relief Decision Notice (Exhibits 1-2) which stated that Claimant's SER application was denied due to a failure to verify assets.

Clients must be informed of all verifications that are required and where to return verifications. ERM 103 (10/2013), p. 6. The due date is eight calendar days beginning with the date of application. *Id.* DHS is to use the DHS-3503, SER Verification Checklist, to request verification and to notify the client of the due date for returning the verifications. *Id.*

It was not disputed that DHS mailed a VCL to Claimant's daughter on [REDACTED] seeking verification of Claimant's assets. DHS conceded that the VCL did not include a due date for Claimant to return verifications. Without including a due date to return verifications on the VCL, DHS failed to provide Claimant's daughter with the deadline by which checking account information must be returned. The procedural fail infects the correctness of Claimant's SER application denial.

Claimant's daughter brought a document to the hearing which verified her father's savings account information to the hearing. The document was not presented as an exhibit but it was not disputed that Claimant's daughter obtained the actual document on [REDACTED]. Claimant's daughter testified that she mailed to DHS verification of her father's savings account on [REDACTED] and that she obtained another document on [REDACTED].

Claimant's daughter's testimony was not compellingly persuasive, however, it did not have to be. As of the date of hearing, DHS had still not complied with SER verification request notice requirements.

It cannot be found that Claimant's daughter complied with the VCL request because DHS indicated that Claimant's checking account information was required. Claimant's

daughter testified that she brought her father's savings account information to the hearing. Thus, it is unclear whether DHS has all necessary information to process Claimant's information. The below order reflects this consideration.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly denied Claimant's SER application. It is ordered that DHS perform the following actions:

- (1) register Claimant's SER application dated [REDACTED];
- (2) initiate processing of Claimant's application subject to the finding that DHS has yet to provide Claimant's daughter with a properly completed verification checklist.

The actions taken by DHS are **REVERSED**.



Christian Gardocki
Administrative Law Judge
for Nick Lyon, Interim Director
Department of Human Services

Date Signed: **3/27/2015**

Date Mailed: **3/27/2015**

CG / hw

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:

