

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

IN THE MATTER OF:

██████████
██████████
██████████

Reg. No.: 15-010047
Issue No.: 5001
Case No.: ██████████
Hearing Date: August 17, 2015
County: Wayne-District 15 (Greydale)

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on August 17, 2015, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Health and Human Services (Department) included ██████████, Family Independence Specialist.

ISSUE

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

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 April 9, 2015, Claimant submitted an application for assistance with her heat and electric bills. (Exhibit A)
2. The application was not timely registered or processed.
3. On May 26, 2015, the Department sent Claimant a SER Decision Notice informing her that she was approved for SER assistance but that she would be required to make a payment towards the amount of assistance that she had requested, prior to the Department paying its approved amount. The Notice further informed Claimant that she must return verification of her payment/contribution by May 8, 2015. (Exhibit B)

4. On June 9, 2015, Claimant requested a hearing disputing the Department's actions with respect to her SER application.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), Department of Health and Human Services Reference Tables Manual (RFT), and Department of Health and 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 Department of Human Services) pursuant to MCL 400.10 and Mich Admin Code, R 400.7001-.7049.

Eligible households may receive assistance with heat and electricity costs under the energy services program. ERM 301 (February 2015), p. 1. The Department can award payments toward heat and electricity up to the fiscal year cap if it will resolve the emergency. ERM 301, p.10. Department policy provides that if the SER group meets all eligibility criteria but has an income or asset copayment, shortfall, and/or contribution, verification of payment must be received in the local office within the 30-day eligibility period or no SER payment will be made and the client must reapply. ERM 103 (October 2013), p. 4; ERM 401 (October 2013), p. 2.

Additionally, applications must be registered within one day of receipt. The Department is to process the application in accordance with policy and in consideration of the 10 day standard of promptness. When a decision is made, the Department is to inform all SER applicants in writing of the decision made on their application. ERM 103), pp. 1, 4-5, 7.

In this case, the Department acknowledged that Claimant submitted an application for SER assistance with heat and electricity costs on April 9, 2015. The Department stated that Claimant's application was overlooked in the electronic case file and not registered/processed until May 26, 2015. The Department testified that because the application was not processed within the appropriate standard of promptness, Claimant was not given sufficient time to provide verification that she made her required payment/contribution, as the May 26, 2015, SER Decision Notice instructed Claimant to provide proof of her payment by May 8, 2015. (Exhibit B). Claimant testified that had she been given enough time, she would have been able to show verification that she obtained and paid her required payment. The Department acknowledged that there were errors in the processing of Claimant's SER application.

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 did not act in accordance with Department policy when it processed Claimant's SER application.

DECISION AND ORDER

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

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Register and process Claimant's April 9, 2015, application for SER;
2. Determine Claimant's eligibility for SER assistance as of the application date; and
3. Issue a new SER Decision Notice informing Claimant of the Department's decision.



Zainab Baydoun
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **8/21/2015**

Date Mailed: **8/21/2015**

ZB / tlf

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 copy of the claim or application for appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Hearing Decision from 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:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
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