

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 15-000881
Issue No.: 5002
Case No.: [REDACTED]
Hearing Date: February 25, 2015
County: Kent-District 1 (Franklin)

ADMINISTRATIVE LAW JUDGE: Darryl Johnson

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 February 25, 2015, from Lansing, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included Family Independence Manager [REDACTED] and Eligibility Specialist [REDACTED].

ISSUE

Did the Department properly deny Claimant's application 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. Claimant applied for SER to help her pay her heating bill on November 6, 2014.
2. The Department approved her application on November 13, 2014, and agreed to pay \$178.22 toward her heat expense, provided she paid \$390 toward the expense and provided proof of payment by December 5, 2014.
3. Claimant applied again for SER on December 2, 2014, this time to help her avoid eviction.
4. The Department approved her second application on December 4, 2014, and agreed to pay \$498.47 toward her rent, provided she paid \$1,101.62 toward the expense and provided proof of payment by December 5, 2014.

5. Claimant did not provide proof of payment of either expense on or before December 5, 2014, and her applications were then denied.
6. Claimant paid the balance of her gas bill without assistance from the Department.
7. On January 6, 2015, Claimant provided the Department with proof that her portion of the rent was paid.
8. The Department received Claimant's hearing request on January 6, 2015.

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.

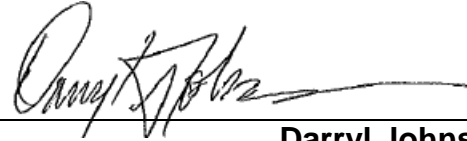
In ERM 103 (10/1/13) at page 2 the policy regarding SER application states: "If additional SER services are requested during the approved 30-day eligibility period, a new application is not needed and the application date cannot be changed. Every additional request made during the approved 30-day eligibility period is entered into Bridges as an additional SER service request and is subject to the original 30-day eligibility period." Claimant first applied for SER on November 6, 2014. That began her 30-day period. Her second application was received on December 2, 2014. She was still within the 30-day period, and consequently she had to pay her part of both the heat expense and the rent expense by December 5, 2014.

Claimant testified that she used her available money to resolve the issue that led to her heat emergency, and then she found herself needing help with rent. Unfortunately, her second application was submitted just days from the end of the 30-day period. There was no practical way the Department could process her application, approve it, and get notice to her before the deadline. For her to then get the bill paid and return proof to the Department was a nearly insurmountable task. Nonetheless, even if an exception had been granted to her under ERM 104 (8/1/14), she did not resolve her part of the rent crisis until January 2, 2015, when she paid the remaining part of her rent. Then, she did not get proof to the Department until January 6, 2015. She was more than 30 days late in providing proof to the Department. She did not even submit proof of rent within 30 days of her 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 acted in accordance with Department policy when it denied Claimant's application for SER.

DECISION AND ORDER

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



Darryl Johnson
Administrative Law Judge
for Nick Lyon, Interim Director
Department of Human Services

Date Signed: **2/26/2015**

Date Mailed: **2/26/2015**

DJ/jaf

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:

