

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

IN THE MATTER OF:



Reg. No.: 14-004520
Issue No.: 5001
Case No.: [REDACTED]
Hearing Date: September 18, 2014
County: WAYNE-DISTRICT 57
(CONNER)

ADMINISTRATIVE LAW JUDGE: Eric Feldman

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 [REDACTED], 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant, [REDACTED]. Participants on behalf of the Department of Human Services (Department or DHS) included Mark Boyd, Family Independence Manager; and Pamela Carswell, Eligibility Specialist.

ISSUE

Did the Department properly deny Claimant's State Emergency Relief (SER) application for relocation services?

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], 2014, Claimant applied for SER assistance for relocation services (at the previous DHS office).
2. On [REDACTED], 2014, the Department sent Claimant an SER Verification Checklist, which was due back by April 22, 2014 (at the previous DHS office). See Exhibit 2, p. 1.
3. Claimant did not respond to the SER Verification Checklist by the due date.

4. On [REDACTED], 2014, the Department sent Claimant an SER Decision Notice, which denied Claimant's rent to relocate request due to her emergency already being resolved (at the previous DHS office). See Exhibit 1, pp. 4-5.
5. In [REDACTED] 2014, Claimant moved to a new residential location and her case transferred to the current DHS location.
6. On [REDACTED], 2014, the Department (current DHS location) sent Claimant a Verification Checklist (VCL) in regards to her Food Assistance Program (FAP) benefits and the requested documentation was due back by [REDACTED], 2014. See Exhibit 2, pp. 3-4. The VCL requested verification of Claimant's home rent. See Exhibit 2, p. 3.
7. On [REDACTED], 2014, Claimant submitted a Shelter Verification and Judgment Landlord-Tenant order to the current DHS location. See Exhibit 2, pp. 6-7.
8. On [REDACTED], 2014, Claimant filed a hearing request, protesting the SER denial. See Exhibit 1, pp. 2-3.

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.

As a preliminary matter, the SER Decision Notice also notified Claimant that she must pay a total of \$151.88 towards the non-heat electricity service and then once Claimant pays this amount, the Department would pay \$450 towards the non-heat electricity. Exhibit 1, p. 4. Claimant testified that she was not disputing the SER assistance request for non-heat electricity.

State Emergency Relief (SER) assists individuals and families to resolve or prevent homelessness by providing money for rent, security deposits, and moving expenses. ERM 303 (October 2013), p. 1. The Department authorizes any combination of the following services: first month's rent and security deposit. See ERM 303, p. 1.

In this case, on [REDACTED], 2014, Claimant applied for SER assistance for relocation services (at the previous DHS office).

On [REDACTED], 2014, the Department sent Claimant an SER VCL, which was due back by April 22, 2014 (at the previous DHS office). See Exhibit 2, p. 1. Specifically, the SER VCL requested verification of required payments for shelter and need for SER relocation. See Exhibit 2, p. 1. Claimant did not respond to the SER VCL by the due date.

At the hearing, Claimant testified that her income did not qualify her for previous residential location and that she was seeking assistance for a new relocation. Claimant testified that she repeatedly contacted her prior DHS caseworker requesting a shelter verification form (DHS-3688). Claimant testified that her previous DHS caseworker stated she needed to complete the form and submit it with her judgment order. However, Claimant testified that she never received the shelter verification form. On or around [REDACTED], 2014, the Department testified that its case notes indicated that the previous worker spoke to the Claimant and discovered that she had moved into a new location. Thus, on [REDACTED], 2014, the Department sent Claimant an SER Decision Notice, which denied Claimant's rent to relocate request due to her emergency already being resolved (at the previous DHS office). See Exhibit 1, pp. 4-5.

Claimant testified that her emergency has not been resolved. Claimant testified that the landlord at the new location knew her and allowed her to stay. Claimant testified that she still owes the security deposit and half of the first month's rent. Claimant also testified that the denial notice was improper because she also applied for a security deposit, which the denial notice did not address. The Department did not present Claimant's SER application as evidence.

In [REDACTED] 2014, Claimant moved to a new residential location and her case transferred to the current DHS location. Then, Claimant contacted her new DHS caseworker in regards to the SER denial.

On [REDACTED], 2014, the Department (current DHS location) sent Claimant a VCL in regards to her FAP benefits and the requested documentation was due back by [REDACTED], 2014. See Exhibit 2, pp. 3-4. The VCL requested verification of Claimant's home rent. See Exhibit 2, p. 3.

On [REDACTED], 2014, Claimant submitted a Shelter Verification and Judgment Landlord-Tenant order to the current DHS location. See Exhibit 2, pp. 6-7. Also, on [REDACTED], 2014, Claimant submitted the above documentation in addition to a letter to her old DHS caseworker. See Exhibit 2, p. 8.

It was discovered during the hearing that the subsequent VCL was in regards to only Claimant's FAP benefits. The Department testified that it thought the shelter verification submitted applied to the FAP benefits. On the other hand, Claimant testified she believed the submission of the document on May 5, 2014, applied to her SER application. Ultimately, the Department argued that according to the previous caseworker, Claimant moved out of the old location and into a new residence before the

SER was processed. See Exhibit 1, p. 1. Therefore, the Department testified that the previous caseworker denied the SER stating that the emergency was resolved.

Clients must be informed of all verifications that are required and where to return verifications. ERM 103 (October 2013), p. 6. The due date is **eight calendar days** beginning with the date of application. ERM 103, p. 6. 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, p. 6. This does not change the standard of promptness date. ERM 103, p. 6.

The Department uses the DHS-3503, SER Verification Checklist, to request verification and to notify the client of the due date for returning the verifications. ERM 103, p. 6.

The client must make a reasonable effort to obtain required verifications. ERM 103, p. 6. The specialist must assist if the applicant needs and requests help. ERM 103, p. 6. If neither the client nor the specialist can obtain the verifications despite a reasonable effort, the Department uses the best available information. ERM 103, p. 6. If no evidence is available, the specialist must use their best judgment. ERM 103, p. 6.

Based on the foregoing information and evidence, the Department improperly denied Claimant's SER application for relocation services. Claimant credibly testified that she contacted the Department requesting assistance with her SER verifications. Claimant even provided a letter sent on [REDACTED], 2014, which summarized her assistance request by the Department. See Exhibit 1, p. 8. The evidence presented that the Department failed to assist the Claimant in obtaining a shelter verification form. The previous DHS worker concluded that because Claimant moved into her new location that her emergency was resolved and subsequently denied the application. However, Claimant credibly testified that her emergency had not been resolved as she owed an outstanding security deposit and her first half-month's rent. Because the Department failed to assist the Claimant when she requested help, the Department improperly denied her SER application dated April 2, 2014. See ERM 103, p. 6.

DECISION AND ORDER


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 improperly denied Claimant's SER application dated [REDACTED], 2014 for relocation services (SER decision notice dated April 22, 2014).

Accordingly, the Department's SER 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. Initiate re-registration and reprocessing of Claimant's SER application with relocation services dated [REDACTED], 2014, in accordance with Department policy and as the circumstances existed at the time of application;
2. Begin issuing supplements to Claimant for any SER benefits she was eligible to receive but did not from date of application; and
3. Begin notifying Claimant in writing of its SER decision in accordance with Department policy.


Eric Feldman
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **9/26/2014**

Date Mailed: **9/26/2014**

EJF / cl

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 48909-07322

cc:

████████████████████
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