

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Claimant

Reg. No.: 2008-25829

Issue No.: 5032

Case No.:

Load No.:

Hearing Date:

October 1, 2009

Wayne County DHS (43)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16409 and MCL 40037; MSA 16.437 upon the Claimants request for a hearing. After due notice, a telephone hearing was held on October 1, 2009. The Claimant was present and testified.

ISSUE

Did the Department properly process the Claimant's State Emergency Services (SER) application?

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 June 18, 2008, and on July 11, 2008, the Claimant applied for SER for a shelter emergency.
2. The department denied the SER application because the claimant "failed to provide proof of unsafe housing."

3. On July 11, 2008, the Claimant filed a request for a hearing.

CONCLUSIONS OF LAW

The State Emergency Relief (SER) program is established by 2004 PA 344. The SER program is administered pursuant to MCL 400.10, et seq., and by final administrative rules filed with the Secretary of State on October 28, 1993. MAC R 400.7001-400.7049. Department of Human Services (formerly known as the Family Independence Agency) policies are found in the State Emergency Relief Manual (SER).

In the instant case the department claims to have denied the SER application because there was no emergency and the claimant failed to provide proof of unsafe housing. It should be noted that the department has taken over a year to provide a hearing in this matter.

Documents show that the claimant provided the department with documentation of a “notice to quit” on July 13, 2008.

ELIGIBILITY REQUIREMENTS

Authorize relocation services only if one of the following circumstances exists and all other SER criteria are met:

The SER group is homeless, living in a shelter, a car, a HUD-approved transitional facility or on the street. A group living with friends or relatives is not homeless, even if the arrangement is temporary unless one of the situations below exists.

The group is living temporarily with other persons following a fire or natural disaster that occurred not more than 60 days before the date the group files an application for SER.

The group is living with other persons to escape a domestic violence situation.

A court summons, order, or judgment was issued which will result in the SER group becoming homeless. (ERM 303, p.1).

This ALJ finds that the notice to quit was sufficient to show an emergency as cited in policy and the department erroneously denied the claimant's SER application.

DECISION AND ORDER

The Administrative Law Judge based on the above findings of fact and conclusions of law, REVERSES AND ORDERS the Department to return the July 11, 2008, application date and re-register the application, accept new documentation, and replace lost benefits.



Michael J. Bennane
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 11/10/09

Date Mailed: 11/10/09

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

MJB/jlg

cc:

