

STATE OF MICHIGAN  
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED],  
Claimant

Reg. No.: 2008-9113  
Issue No.: 5026  
Case No.: [REDACTED]  
Load No.: [REDACTED]  
Hearing Date:  
June 15, 2009  
Oakland County DHS (4)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon the Claimant's request for a hearing. After due notice a telephone hearing was held on June 15, 2009. The Claimant personally appeared and testified.

ISSUE

Did the Department properly deny the claimant's 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. On November 28, 2008, the claimant requested a hearing on a State Emergency Relief application.

CONCLUSIONS OF LAW

This hearing was originally scheduled for May 21, 2008. The claimant requested the hearing because the department never responded to an SER application for rent. At the May 21,

2008, hearing the department was unable to proceed because they could not locate the SER application.

Although the department was unable to locate the claimant's SER application it did send the claimant a denial of her SER application because the shelter was unaffordable. I find the evidence insufficient to support that an SER application was completed by the claimant.

The claimant's hearing request does not mention the Food Assistance Program and although that issue was discussed at the hearing this ALJ finds he is unable to address the closure of the claimant's FAP in July of 2008.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, AFFIRMS the Department's decision in the instant case because this ALJ has no alternative but to do so.

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

Date Signed: 08/18/09

Date Mailed: 08/18/09

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.

2008-9113/MJB

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:

