

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No.: 200929002
Issue No.: 5016
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: July 15, 2010
Wayne County DHS (76)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the claimant's request for a hearing. After due notice, a telephone hearing was held on July 15, 2010. The claimant appeared and testified.

ISSUE

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

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, finds as material fact:

1. On April 15, 2009, the Claimant applied for and SER to help with a utility shut-off notice.
2. On April 21, 2009, the department denied the claimant's SER application because the claimant made payment arrangements on her own.
3. On April 22, 2009, 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).

Application and Eligibility

If all the initial requirements are met, the following apply:

The Application for State Emergency Relief (DHS-1514) must be completed. There must already be an active Assistance Application (DHS-1171) in the case record. If not, one must be completed.

The client must provide a shutoff/reconnect notice, declare a need for deliverable fuel or provide verification of the need for a home repair. (ERM 301, p.3)

Under ERM 301 the claimant must provide documentation that a shutoff will occur. Here, the claimant reached a payment agreement with her utility company that over rode the shutoff.

I find that the Department correctly denied the SER because the claimant resolved her emergency on her own.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, AFFRIMS the Department's decision.



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

Date Signed: 07/22/2010

Date Mailed: 07/22/2010

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 mailing 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

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