

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

IN THE MATTER OF THE CLAIM OF:

[REDACTED]

Reg No.:2009-13121
Issue No.: 5016
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: June 29, 2010
Berrien County DHS

ADMINISTRATIVE LAW JUDGE: Landis Y. Lain

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, an in-person hearing was held on June 29, 2010. The claimant appeared and testified.

ISSUE

Did the Department of Human Services (the department) properly deny 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 a material fact:

- (1) On December 11, 2008, claimant applied for State Emergency Relief Assistance for help with rent, moving expenses, and electricity.
- (2) On December 19, 2008, the special list verified that the claimant had monthly bill expenses and none of her expenses were in disconnect at that time.

- (3) On December 19, 2008, the department sent claimant notice that the application was denied.
- (4) On January 9, 2009, claimant filed a request for a hearing to contest the department's negative action.

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 (DHS or department) policies are found in the State Emergency Relief Manual (SER).

Applicable department policy states that State Emergency Relief prevents serious harm to individuals and families. SER assists applicants with safe, decent affordable housing and other essential needs when an emergency situation arises. SER, Item 101, p. 1. SER group members must use their available income and cash assets that will help resolve the emergency. The department is not to make a payment unless it will resolve the emergency. SER, Item 208, p. 1.

Available income means net income in excess of the SER need standard. This is the income co-payment. In the instant case, claimant made payment arrangements and took care of her bills and therefore, there was no longer an emergency. Claimant did not dispute that she did take care of her own emergency and there were no shut-off notices.

Under the circumstances, the department made the correct decision. Once claimant contacted and paid her bills, the emergency was resolved.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly denied claimant SER benefits because her request for payment did not involve shut-off notices and because claimant was able to take care of her own bills and therefore the emergency was resolved.

Accordingly, the department's decision is AFFIRMED.

/s/

Landis Y. Lain
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: July 07, 2010

Date Mailed: July 8, 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.

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