

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: 2009-13791

Issue No: 5000

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

May 11, 2010

Berrien County DHS

ADMINISTRATIVE LAW JUDGE: Steven M. Brown

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing. After due notice, a telephone hearing was conducted from Lansing, Michigan on May 11, 2010.

ISSUE

Whether the Department properly denied Claimant's State Emergency Relief (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) The Department approved Claimant's SER application – assistance with eviction - contingent on Claimant's paying her portion of the total amount owed.

(Exhibits 1-8)

(2) Claimant did not pay her portion of the total amount owed, therefore, the Department amount was not authorized for payment.

(3) On January 20, 2009, the Department received the Claimant's hearing request.

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).

In the instant case, Claimant did not have any issue with the Department's actions in regard to her SER application. Claimant's issue was with the signature requirement on the application form. Specifically that it – "takes away my right to choice of program participation and it's method of release of personal information to other agencies".

Departmental policy is based on the federal and state law and regulations and cannot be altered or changed in its application either by departmental staff or by this Administrative Law Judge. Administrative Law Judges also have no authority to make decisions on constitutional grounds, overrule statutes, overrule promulgated regulations or overrule or make exceptions to the Department policy set out in the program manuals.

With the above said, based on the testimony and documentation offered at hearing, I find that the Department established that it acted in accordance with policy in denying Claimant's SER application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department acted in accordance with policy in denying Claimant's SER application.

Accordingly, the Department's SER eligibility determination is AFFIRMED, it is SO ORDERED.

/s/ _____
Steven M. Brown
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: May 12, 2010

Date Mailed: May 19, 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.

SB/lk

cc:

