

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.: 2009-14813

Issue No.: 5016

Case No.:

Load No.:

Hearing Date:

June 7, 2010

Wayne County DHS (55)

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 telephone hearing a hearing was held on June 7, 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 on the competent, material and substantial evidence on the whole record, finds as material fact:

1. On January 14, 2009, the Claimant applied for SER to help with utility payments.
2. On January 21, 2009, the Department denied the Claimant's SER application because the claimant had already reached the \$1,500.00 lifetime limit allowed. (Department exhibits 1-2).

3. On January 26, 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).

Under ERM 304 there was a lifetime cap of \$1,500.00 for heat and electric. (ERM 304, p.2).

Here, the department provided evidence that the claimant had already received \$2,287.00. (Department exhibit 1)

I find that the Department correctly denied the SER because the lifetime limit had been reached.

It should be noted however, that the limit has drastically increased and the lifetime limit is now \$4,000.00. The claimant would not be denied for the same reason under present policy.

DECISION AND ORDER

The Administrative Law Judge based on 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: 6/29/2010

Date Mailed: 6/29/2010

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 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:

