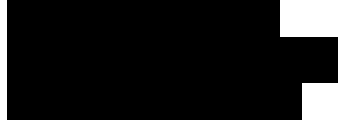


STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No: 200933049

Issue No: 5035

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

August 18, 2010

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Robert J. Chavez

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 hearing was held on August 18, 2010.

ISSUE

Did the Department properly pay the required amount of SER funds to claimant's utility vendors?

FINDINGS OF FACT

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

- (1) Claimant applied for SER energy and housing funds in July 2009.
- (2) Claimant's SER application was processed.
- (3) Claimant's vendors were properly paid funds up to the maximum yearly fiscal cap.

- (4) In July 2009, claimant requested a hearing on the matter, contesting the SER payment.

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 (ERM).

SER applicants must have an emergency which threatens health or safety and can be resolved through issuance of SER. ERM 101. SER funds can be paid up to a yearly fiscal maximum, which differs depending on the program. ERM 301, 302.

The Department presented undisputable evidence that claimant's case had been processed and that all appropriate payments had been made. Claimant admitted that the Department had paid the required amounts. Claimant's complaint ultimately alleged, not that the Department made an error of policy or law, but rather, that the Department had treated her poorly in the processing of her application.

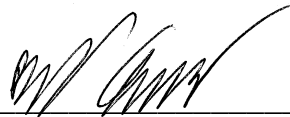
The Administrative Law Judge may only make determinations as to whether the Department followed policy. Personality clashes and the like are not within the undersigned's jurisdiction, and he will not comment on these sorts of issues, even if there was a remedy to be applied. In the current case, all evidence shows that the Department operated within policy. Claimant has not identified a particular remedy for the complaints she alleges, nor has she alleged that the Department has failed to follow

policy with regard to the determination in her SER application. Therefore, the Department's actions in the current case must be upheld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department's decision to award claimant SER funds was correct.

Accordingly, the Department's decision in the above stated matter is, hereby, AFFIRMED.



Robert J. Chavez
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 08/23/10

Date Mailed: 08/24/10

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.

RJC/dj

cc:

