

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.: 2010-10387
Issue No.: 5032
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: September 8, 2010
Macomb County DHS (20)

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 September 8, 2010. The claimant appeared and testified.

ISSUE

Did the Department properly process the Claimant's State Emergency Services (SER) application?

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 September 28, 2009, the Claimant applied for SER for a shelter emergency.
2. On October 13, 2009, the department denied the SER application because the claimant's income asset co-payment was equal to or greater than the amount needed to resolve the emergency.
3. On October 16, 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-

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7049. Department of Human Services (formerly known as the Family Independence Agency) policies are found in the State Emergency Relief Manual (SER).

In the instant case the department claims to have denied the SER application because the claimant failed to provide an eviction notice.

Documentation of Eligibility

Persons living on the street, in a car or place unfit for human habitation should have a signed and dated general certification form from an outreach or service worker verifying that the person is homeless and indicating where the person resides. Verification must be on official letterhead, signed and dated.

Persons coming from an emergency shelter or emergency motel placement should have written verification from the emergency shelter staff or service agency responsible for placement. Verification must be on agency letterhead, signed and dated. (ERM 303, p. 2)

The claimant provided the department with documentation of his living in a motel temporarily after the department had denied his application. Evidence shows the motel documentation dated December 4, 2009.

This ALJ finds that the department was correct in denying the claimant's application because he failed to provide the department with documentation of eligibility as spelled out above before the department denied his application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, AFFIRMS the Department's actions in the instant case.



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

Date Signed: 9/24/2010

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Date Mailed: 9/24/2010

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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