

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.: 2010-43188
Issue No.: 5000
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: October 28, 2010
DHS County: Wayne (35)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to Michigan Compiled Laws (MCL) 400.9 and 400.37 and Claimant's request for a hearing. After due notice, a telephone hearing was held on October 28, 2010. Claimant appeared and testified. [REDACTED] appeared and testified for the Claimant. [REDACTED]

[REDACTED], appeared and testified for the Department of Human Services (DHS).

ISSUE

Whether Claimant is eligible for State Emergency Relief (SER) benefits?

FINDINGS OF FACT

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

1. On December 14 and again on December 23, 2009, Claimant applied for SER for shelter expenses.
2. Claimant's shelter provider, [REDACTED], did not have a DHS provider number on file.
3. DHS could not reach Claimant, and Claimant could not reach DHS.
4. On February 27, 2010, DHS denied SER benefits to Claimant.
5. On March 3, 2010, Claimant filed a notice of hearing request with DHS.

6. At the hearing, the parties agreed that DHS would reopen the case for [REDACTED] to submit the provider information.
7. The parties further agreed that if Claimant was then found ineligible for SER, DHS would request DHS-Wayne County Emergency Services funds on Claimant's behalf.
8. Based on the settlement agreement, Claimant indicated she no longer wished to continue with the hearing.

CONCLUSIONS OF LAW

SER was established by 2004 Michigan Public Acts 344. The SER program is administered pursuant to MCL 400.10, *et seq.*, and Michigan Administrative Code Rules 400.7001-400.7049. DHS policies are found in the Emergency Relief Manual (ERM). This manual is available online at www.michigan.gov/dhs-manuals.

In this case, the parties have reached a settlement agreement by which DHS agrees to reopen Claimant's application, accept provider information from the landlord and process the application. DHS has further agreed in this matter that if Claimant's application is then denied, DHS will request funds available at the County level of DHS known as Emergency Services funds on Claimant's behalf.

As the parties have reached a fair and reasonable settlement in this matter, it is not necessary for the Administrative Law Judge to rule on the issues in this case.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, and on the stipulation of the parties, decides and IT IS SO ORDERED that DHS shall reopen Claimant's SER application, accept the provider information from Claimant's landlord, [REDACTED], and process Claimant's application; and further, that if the application should be denied, DHS agrees to request DHS-Wayne County Emergency Services funds on behalf of Claimant in this matter.



Jan Leventer
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: November 1, 2010

3010-43188/JL

Date Mailed: November 1, 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.

JL/pf

cc:

