

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

IN THE MATTER OF:



Reg. No.: 201044571
Issue No.: 5016
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: November 1, 2010
Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 November 1, 2010. The Claimant appeared and testified. [REDACTED], FIM appeared on behalf of the Department.

ISSUE

Was the Department correct in determining Claimant's State Emergency Relief eligibility?

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 benefits on February 19, 2010.
- (2) Claimant had an outstanding utility bill and shut off notice at the time of application.
- (3) Claimant's application for SER was denied on March 16, 2010 because his utility bill had been placed in his landlord's name and he was no longer facing shutoff.
- (4) The utility bill was placed in the landlord's name after the 10 day standard of promptness had lapsed.

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- (5) Claimant requested a hearing on March 24, 2010 contesting the denial of SER benefits.

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. The Department of Human Services’ [formally known as the Family Independence Agency] policies are found in the State Emergency Relief Manual (“ERM”).

State Emergency Relief (“SER”) prevents serious harm to individuals and families by assisting applicants with safe, decent, affordable housing and other essential needs when an emergency situation arises. ERM 101, p. 1.

The SER standard of promptness is **10 calendar days**, beginning with the date the signed SER application is received in the local office. The case record must include documentation of the reason for any delay in processing the application beyond the standard of promptness. • Do not use the standard of promptness as a basis for denial of SER applications. • Continue to pend an application if the SER group is cooperating within their ability to provide verifications. • Deny the application if the group does not cooperate. **Note:** There is no standard of promptness adjustment for holidays, weekends or non-business days. The case record must include documentation of the reason for any delay in processing the application beyond the standard of promptness. Clients must be informed of all verifications that are required and where to return verifications. The due date is **eight calendar days** beginning with the date of application. If the application is not processed on the application date the deadline to return verification is eight calendar days from the date verification is requested. This does not change the standard of promptness date. ERM 103.


In the present case, Claimant argued at hearing that he presented a valid shut off notice at the time of application and that the Department’s delay in processing his application was the reason the emergency was resolved. The State Emergency Relief Decision Notice was issued 25 days after the date of application, therefore the Department failed to process Claimant’s application within the standard of promptness. (ERM 103). Therefore the Department’s denial of State Emergency Relief due to no current emergency is improper and incorrect. The Department should have processed the application based on the circumstances that existed at the time of application.

DECISION AND ORDER

This Administrative Law Judge decides that the Department was incorrect in the denial of SER benefits, and it is ORDERED that the Department’s decision in this regard be,

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and is, hereby REVERSED. Claimant's SER application shall be reinstated and reprocessed based on the circumstances of the Claimant at the time of application.



Aaron McClintic
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: November 10, 2010

Date Mailed: November 10, 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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