

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.: 2010-51546
Issue Nos.: 5026, 5100
Case No.: [REDACTED]
Hearing Date: December 15, 2010
DHS County: Macomb (50-20)

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

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 telephone hearing was held on December 15, 2010. Claimant appeared and testified. [REDACTED] appeared on behalf of the Department of Human Services (Department).

ISSUES

1. Was the Department correct in its denial of Claimant's request for State Emergency Relief (SER) for electricity?
2. Was the Department correct in its denial of Claimant's request for SER for moving expenses?

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 for electricity in the amount of \$99.00 and moving expenses in the amount of \$500.00 on July 23, 2010.
2. Claimant did not present a shut-off notice or a court-ordered eviction notice.
3. The Department denied Claimant's request for SER for electricity on July 23, 2010, but the denial did not address the SER for moving expenses request.
4. Claimant requested a hearing on August 9, 2010.

CONCLUSIONS OF LAW

The 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 policies are found in the State Emergency Relief Manual (ERM).

ERM 301 dictates that in order to receive assistance with electricity, the client must provide a shutoff/reconnect notice.

ERM 303 dictates that in order to receive assistance with rent or moving expenses, the client must meet such eligibility requirements as homelessness or show that a court summons, order, or judgment was issued which will result in the client becoming homeless.

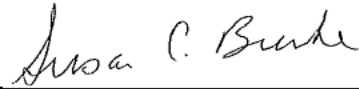
In the present case, Claimant did not submit into evidence a shut-off notice for electricity. The DTE bill dated August 5, 2010, (Exhibit 4) shows a past due amount of \$33.98, but no shut-off notice is contained in the bill. The Department was, therefore, correct in its decision to deny claimant's SER request for electricity. The Department, however, made no determination on the moving expense request from the application. The Department was, therefore, incorrect in its failure to address the moving expense request. I note that SER applications and denials that were dated subsequent to the Request for Hearing date of August 9, 2010, were proffered into evidence, but Claimant must request a hearing on each of those subsequent denials if she does not agree with the denials.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department was correct in its decision to deny Claimant SER for electricity, but incorrect in its failure to make a decision on Claimant's request for moving expenses, and is, therefore, AFFIRMED in part and REVERSED in part. It is ORDERED that the Department shall reprocess the SER application and issue a new

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State Emergency Relief Decision Notice with respect to the moving expense request. Claimant may request another hearing if she feels aggrieved by the new Decision Notice.



Susan C. Burke
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: January 3, 2011

Date Mailed: January 4, 2011

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.

SCB/pf

cc:

