

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.: 2010-33613  
Issue No.: 5026  
Case No.: [REDACTED]  
Load No.: [REDACTED]  
Hearing Date: October 13, 2010  
Wayne County DHS (17)

**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 October 13, 2010. The claimant appeared and testified.

**ISSUE**

Did the Department properly deny the Claimant's State Emergency Relief (SER)?

**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 November 6, 2009, November 12, 2009, and December 15, 2009, the claimant filed applications for SER rent.
2. The claimant provided the department with a letter from [REDACTED] stating that they would pay the balance after the department paid \$2,000.00.
3. On November 6, 2009, November 12, 2009, and December 15, 2009, the department denied the claimant's SER rent applications because of unmet required payments, the co-payment was not made, and the required payment was equal to or greater than the amount needed to resolve the issue.
4. On December 15, 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 400.7001-400-7049. Department of Human Services (formerly known as the Family Independence Agency) policies are found in the State Emergency Relief Manual (SER).

Here, the department first denied the claimant's SER application because the shortfall amount was equal to or greater than the amount needed to resolve the emergency.

The claimant filed three times for relocation SER in one of the instances the claimant provided the department with a letter from [REDACTED] that it would pay the balance after the department made a payment of \$2,000.00. The department denied this application because, according to the department, "no payment is made until the client meets their co-payment.

**Notification**

If the SER group meets all eligibility criteria but has an income or asset copayment, shortfall or contribution, do not issue payment until the client provides proof that their payment has been made or will be made by another agency. Verification of payment must be received in the local office within the 30-day eligibility period or no SER payment will be made and the client will have to reapply. Use the DHS-1419, Decision Notice to inform the SER group of the amounts that they must pay and the due date for returning proof of their payment. (ERM 208, p. 3)

Here the department obviously did not comply with the above policy. In addition, it should be noted that the department recognized the letter from [REDACTED] in its hearing summary.

**DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, REVERSES AND ORDERS the Department to re-register the November 12, 2009, application and replace benefits if the claimant is otherwise eligible.



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

Date Signed: 10/21/2010

Date Mailed: 10/21/2010

**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.

MJB/jlg

cc:

