

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 43050
Issue No: 5032
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
November 8, 2010
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

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 November 8, 2010. Claimant appeared and testified. The Claimant was represented by [REDACTED].

ISSUE

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

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as a material fact: January 21, 2010 had a house fire.

1. On [REDACTED], the Claimant's residence suffered a fire.
2. On [REDACTED], the Claimant moved into another residence.
3. On January 27, 2010, applied for SER to help with relocation. The Claimant failed to sign the application.
4. On February 4, 2010, the Claimant came into the district office and signed the SER application.

5. On February 20, 2010, denied based on client resolving her emergency and at the time of application was no longer in an emergency situation.
6. On February 21, 2010, the Department issued a denial.
7. On March 18, 2010, Claimant filed a hearing request.

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

In the present case, Claimant is appealing the Department's decision to deny her SER assistance. The Claimant had applied for relocation money to assist her in moving after her residence had burned on [REDACTED]. The Claimant moved into a new residence on [REDACTED]. The landlord allowed the Claimant to move into the residence. The Claimant then on January 27, 2010 applied for SER to assist with the relocation costs to the new home.

Relevant Policy ERM Item 101 p. 1:

Residence in the state of Michigan is not required. SER serves all persons physically present in Michigan. In addition SER applicants must:

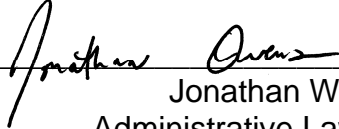
- Complete the application process.
- Meet financial and non-financial requirements.
- Have an emergency which threatens health or safety and can be resolved through issuance of SER.
- Take action within their ability to help themselves, i.e. obtain potential resources and/or apply for assistance.
- Not have caused the emergency.
- Cooperate in providing information about income, assets, living arrangements, and other persons living in the home.

Deny SER services for applicants who fail to meet any of the above requirements.

In the instant case, the Claimant resolved the emergency on her own. The Claimant's need no longer exists and did not exist at the time of application; therefore, the Department properly denied the SER application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds the Department was correct in denying Claimant's request for State Emergency Relief and it is ORDERED that the Department's decision in this regard be and is hereby AFFIRMED.


Jonathan W. Owens
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 11/12/10

Date Mailed: 11/12/10

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.

JWO/dj

cc:

