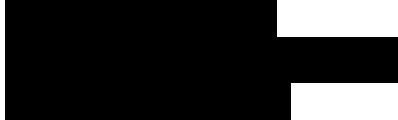


STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No.: 2010-46320
Issue No.: 5032
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: November 4, 2010
Wayne County DHS (55)

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 November 4, 2010. The claimant appeared and testified.

ISSUE

Did the Department properly process the Claimant's State Emergency Services (SER) application?

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 February 2, 2010, the Claimant applied for SER for a shelter emergency.
2. On February 6, 2010, the department denied the SER application because the claimant filed her request for emergency services more than 60 after a fire which left the claimant without shelter.
3. On May 6, 2010, 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-

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7049. Department of Human Services (formerly known as the Family Independence Agency) policies are found in the State Emergency Relief Manual (SER).

In the instant case the department claims to have denied the SER application because the claimant filed her application more than 60 days after a fire made her previous residence unlivable.

Documentation of Eligibility

Persons living on the street, in a car or place unfit for human habitation should have a signed and dated general certification form from an outreach or service worker verifying that the person is homeless and indicating where the person resides. Verification must be on official letterhead, signed and dated.

Persons coming from an emergency shelter or emergency motel placement should have written verification from the emergency shelter staff or service agency responsible for placement. Verification must be on agency letterhead, signed and dated.

Persons coming from a transitional housing facility must have a statement from the service provider indicating that the person is residing in transitional housing that services homeless persons. Verification must be on agency letterhead, signed and dated.

Persons eligible for one of the homeless assistance programs listed above must have a statement from the service provider who determined their homeless assistance program eligibility. The verification must be on their agency letterhead, homeless assistance program identified, signed and dated.

Group Living With Friends or Relatives

A group living with friends or relatives is not homeless, even if the arrangement is temporary unless one of the situations below exists:

The group is living temporarily with other persons following a fire or natural disaster that occurred not more than 60 days before the date the group files an application for SER.

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The group is living with other persons to escape a domestic violence situation.

The group meets eligibility criteria for one of the homeless assistance programs listed above. (ERM 303, pp.2-2)

In the instant case, the department applies a section of policy listed under "Group Living With Friends or Relatives." However, the claimant was living in "emergency motel placement."

In testimony, the claimant appears to still be living in emergency motel placement and was recently moved from that situation because the motel in question had health violations.

This ALJ finds that the department erred when it denied the claimant's SER application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, REVERSES AND ORDERS the Department to reregister the claimant's February 2, 2010 SER application and reevaluate the claimant's present living arrangement in light of the above.



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

Date Signed: 11/29/2010

Date Mailed: 11/29/2010

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.

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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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