

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.: 2010-49720
Issue Nos.: 5000, 5017
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: November 17, 2010
DHS County: Wayne (55)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to Michigan Compiled Laws (MCL) 400.9 and 400.37, and Claimant's request for a hearing. After due notice, a telephone hearing was held on November 17, 2010. Claimant appeared and testified. [REDACTED], appeared and testified on behalf of the Department of Human Services (DHS).

ISSUE

Whether Claimant is entitled to State Emergency Relief (SER) benefits?

FINDINGS OF FACT

The Administrative Law Judge, based on competent, material, and substantial evidence in the record and on the entire record as a whole, finds as fact:

1. On June 11, 2010, Claimant applied for SER relief for home repairs for the gutters on her house.
2. On June 18, 2010, DHS denied Claimant's application for the stated reason that, "Your group does not meet program requirements."
3. There is nothing in the record to establish the facts that underly the DHS conclusion that Claimant's group does not meet program requirements.
4. At the hearing, DHS agreed to accept a current repair estimate from the gutter repair company, and make a new determination as to Claimant's eligibility for SER home repair benefits.

5. Claimant will also fill out a new SER application at the DHS office today.
6. As a result of this agreement, Claimant indicated at the hearing that she no longer wished to continue with the administrative hearing.

CONCLUSIONS OF LAW

SER was established by 2004 Michigan Public Acts 344. The SER program is administered pursuant to MCL 400.10 *et seq.*, and Michigan Administrative Code Rules 400.7001-400.7049. DHS policies are found in the Emergency Relief Manual (ERM). This manual can be found online at www.michigan.gov/dhs-manuals.

At the hearing in this matter, the parties agreed that DHS would reopen Claimant's previous SER application for home repairs, accept a current work estimate from the contractor, reprocess Claimant's application, and also accept from Claimant a new application today. DHS further volunteered to contact the contractor by email to request a current estimate.

As the parties have agreed that Claimant's application shall be reprocessed and/or a new application will be processed, whichever is more appropriate according to DHS policy and procedure, it is unnecessary for the Administrative Law Judge to decide the issues in this case.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, decides and determines that the parties have reached a settlement agreement whereby Claimant's SER application will be reprocessed with a current estimate for the home repair work to be performed. Based on the stipulated agreement of the parties to this matter, IT IS SO ORDERED.



Jan Leventer
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: November 18, 2010

Date Mailed: November 18, 2010

3010-49720/JL

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.

JL/pf

cc:

