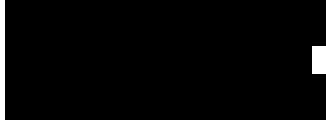


STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No.: 201053681
Issue No.: 5100; 5026
Case No.: [REDACTED]
Load No. [REDACTED]
Hearing Date: September 6, 2010
Office: Macomb County DHS (20)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 6, 2010. The claimant appeared and testified. On behalf of Department of Human Services (DHS), Ryan Makowski, Specialist, appeared and testified.

ISSUE

Whether DHS properly denied Claimant's State Emergency Relief (SER) application following Claimant's request for an immediate denial of her 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. Claimant applied for SER benefits for assistance with energy and rent arrearage.
2. When Claimant submitted her SER application, Claimant requested an immediate denial of SER benefits so that she could obtain immediate help elsewhere.
3. Per Claimant's request, DHS immediately denied Claimant's SER application.
4. With the help of the SER denial, Claimant received assistance outside of DHS to stop the shut-off on her electricity and gas as well as rent assistance to stop a court ordered eviction.

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5. Claimant requested a hearing on 8/30/2010 for the purpose of receiving help with some of her electric bill which is past due and her rent which is still in arrears; Claimant also requested a hearing concerning her Food Assistance Program (FAP) benefits but states that this issue is now resolved.

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 Emergency Relief Manual (ERM).

SER is a program which offers assistance for various client emergencies. Clients may seek assistance through SER for any of the following: heat or gas bills, water bills, electricity bills, home repairs, rent or mortgage arrearages, relocation expenses including rent and security deposit, food, burials or migrant hospitalization.

In the present case, Claimant applied for SER on 8/18/10. Claimant specifically told DHS that she did not want to wait up to 10 days for a response and only wanted an immediate denial because she knew a source that could help her with her bills immediately. DHS obliged Claimant and denied her SER application immediately. Claimant requested a hearing for two reasons.


First, Claimant indicated that despite payments from the non-DHS source, Claimant still has a balance on her electric bill and back rent. Claimant concedes that her SER application was denied, just as she requested, and Claimant does not regret her request for SER denial. Claimant requested a hearing expecting DHS to review her previous SER request. Claimant's expectation is not appropriate. DHS resolved Claimant's previous SER request to her satisfaction. The appropriate remedy for Claimant is to reapply for SER assistance. Claimant agreed to this remedy.

Claimant also alleged that over the past three years she has requested assistance from DHS but was continually ignored. Claimant hinted that she requested a hearing to have these previous requests scrutinized. Claimant was unspecific about her requests and was not able to sufficiently describe any of her previous requests. Based on Claimant's inability to identify any of her previous requests, there is insufficient evidence to find that DHS ignored or neglected Claimant. It is found that Claimant failed to establish that DHS failed to respond to her previous requests for assistance.

DECISION AND ORDER

The actions taken by DHS are AFFIRMED. The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly denied Claimant's SER application dated 8/18/10 and that DHS did not neglect or ignore vaguely specified requests for assistance over the prior three years. Claimant may reapply for SER benefits at any time by completing and submitting an SER application to DHS.

/s/



Christian Gardocki
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: October 15, 2010

Date Mailed: October 15, 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 60 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt 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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cc:

