

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: 201055883

Issue No: 5026

[REDACTED]

[REDACTED]

Hearing Date: October 26, 2010

Monroe County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on September 8, 2010. After due notice, a telephone hearing was held on Tuesday, October 26, 2010.

ISSUE

Whether the Department of Human Services (Department) properly determined the Claimant's State Emergency Relief (SER) eligibility?

FINDINGS OF FACT

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

1. The Claimant submitted a SER application on July 16, 2010.
2. The Claimant reported a change of address to Ohio on July 16, 2010.
3. The Claimant was an ongoing Food Assistance Program (FAP) recipient until July 31, 2010.
4. The Department denied Claimant's SER application on July 21, 2010.
5. The Department received the Claimant's request for a hearing on September 8, 2010, protesting the denial of her SER application.

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. Family Independence Agency (FIA or agency) policies are found in the State Emergency Relief Manual (SER).

To be eligible for the Food Assistance Program (FAP) a person must be a Michigan resident. BEM 220.

Residence in the state of Michigan is not required to receive SER benefits. SER serves all persons physically present in Michigan. ERM 101. Presence in Michigan, not permanent residence, is required for State Emergency Relief (SER) eligibility. ERM 202.

The Claimant submitted a SER application on July 16, 2010, for relocation services and assistance with her first month's rent. The Claimant reported that she was moving to Ohio on that same date, and she had requested assistance with relocation expenses and her first month rent. The Department closed the Claimant's FAP case and returned her SER application because she was no longer living in Michigan.

Residency in the State of Michigan is not relevant in this case because residency is not a requirement to receive SER benefits. A person must be physically present in Michigan to qualify for SER benefits. Since the Claimant applied for benefits, if approved, would be used while the Claimant was not physically present in Michigan, the Department properly denied the Claimant's SER application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department acted in accordance with policy in determining the Claimant's SER eligibility.

The Department's SER eligibility determination is AFFIRMED. It is SO ORDERED.

_____/s/_____
Kevin Scully
Administrative Law Judge
for Duane Berger, Director
Department of Human Services

Date Signed: __1/20/11_____

Date Mailed: __1/20/11_____

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.

