

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

██████████

Claimant,

Reg No: 2010-9269

Issue No: 5006

Case No: ██████████

Load No: ██████████

Hearing Date:

January 21, 2010

Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Steven M. Brown

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 conducted from ██████████ on January 21, 2010.

ISSUE

Whether the Department properly computed Claimant's State Emergency Relief (SER) eligibility?

FINDINGS OF FACT

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

(1) On August 31, 2009 Claimant completed and filed an application for SER benefits. Claimant checked the following services and the amount needed to resolve the emergency – Rent (██████████), Moving Expense (██████████), Electricity (██████████) and Security Deposit (██████████). (Exhibits 2-7)

(2) On September 7, 2009, Claimant moved in with her mother.

(3) On September 11, 2009, the Department sent Claimant a State Emergency Relief Decision Notice informing her that the Department would pay [REDACTED] for Non-Heat Electricity with Claimant's co-payment of [REDACTED] and [REDACTED] for Rent to Prevent Eviction with Claimant's co-payment of [REDACTED] (Exhibit 11)

(4) The Claimant and Department paid the Non-Heat Electricity, but not the Rent to Prevent Eviction.

(5) On September 18, 2009, the Department received the Claimant's 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 (DHS or department) policies are found in the State Emergency Relief Manual (SER).

Low-income households who meet eligibility requirements in this item can receive assistance to help them meet their household heat and electric costs. ERM 301 State Emergency Relief (SER) assists individuals and families by providing money for rent, security deposits, and moving expenses. ERM 303

Claimant wanted help with her consumer bill and her rent. The Department informed Claimant that, if she paid a co-payment, it would also make payment toward these expenses. Claimant paid the co-payment for the consumer bill and, in turn, the Department paid its portion. Claimant did not pay the co-payment toward rent so the

Department did not make payment in this regard. Based on the testimony and documentation offered at hearing, I find that the Department established that it acted in accordance with policy in computing Claimant's SER eligibility.

DECISION AND ORDER

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

Accordingly, the Department's SER eligibility determination is AFFIRMED, it is SO ORDERED.

/s/
Steven M. Brown
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: January 26, 2010

Date Mailed: January 26, 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.

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.

2010-9269/smb

SMB/db

cc:

