

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

IN THE MATTER OF:



Reg. No: 2011 12413

Issue No: 5016

Case No: [REDACTED]

Hearing Date:

January 26, 2011

Wayne County DHS(49)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 hearing was held by telephone in Detroit on January 26, 2011 at which time the Claimant appeared and testified. Territa Rivers FIM and Charmonique Walters, Assistant Payments Specialist appeared and testified on behalf of the Department.

ISSUE

Was the Claimant's application for State Emergency Relief heat assistance properly denied due to a group member who was in non cooperation with Child Support?

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 applied for State Emergency Relief on March 22, 2010.
2. The Claimant requested a hearing regarding the denial of her SER application for heating assistance.

3. At the time the Claimant's request for SER rent assistance was made, a person living with the Claimant was in non cooperation for Child Support which was confirmed by the Claimant.
4. The Department denied the claimant's request for State Emergency Relief on December 28, 2010, due to a member of her household, her sister being in non cooperation with child support. Exhibit 1
5. The Claimant requested a hearing on December 15, 2010, which was received by the Department on the same date requesting a hearing regarding 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. Department of Human Services (DHS or Department) policies are found in the State Emergency Relief Manual (SER).

The policy governing the eligibility for State Emergency Relief is found in the State Emergency Relief Manual. The policy provides that the state emergency relief is designed to prevent serious harm to individuals and families. SER assists applicants with safe, decent, affordable housing and other essential needs when an emergency situation arises. In order to be eligible for rent assistance a claimant must provide proof of an eviction order or court summons regarding eviction.(A demand for possession nonpayment of rent or notice to quit is not sufficient.) ERM 303, page 5.

In this case, a member of the SER group, the Claimant's sister, who was living with the claimant at the time of the application, was found to be in non cooperation for

child support. As provided by ERM 203, the Department correctly denied the SER application on this basis as it is required to do so.

When an SER group member has been denied or terminated from assistance for failure to comply, when able, with a procedural requirement of FIP, SDA or SSI, the group is not eligible for SER.

SER ineligibility continues as long as the group member fails or refuses to take available action to obtain potential resources. Sanctioned groups that are able to comply are ineligible for SER until they comply. ERM 203, pages 1 and 2.

In conclusion the Department's decision denying the Claimant's SER application is correct and must be upheld. The Claimant may reapply at any time for State Emergency Relief if and when her SER group member no longer is in non cooperation with child support, or is no longer a group member.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department was correct when it denied Claimant's application for SER for the reason that a SER group member was in non cooperation. The Department's determination is AFFIRMED.



Lynn M. Ferris
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 02/28/11

Date Mailed: 03/01/11

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 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.

LMF/dj

cc:

