

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No: 201114223

Issue No: 5006

[REDACTED]

[REDACTED]

Genesee 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 January 5, 2011. After due notice, a telephone hearing was held on [REDACTED]

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. On December 27, 2010, the Claimant applied for State Emergency Relief (SER) application requesting help with relocation.
2. The Department denied the Claimant's State Emergency Relief (SER) application on January 8, 2011, because the Claimant's co-payment and her shortfall was greater than the amount needed to solve her problem.
3. The Department received the Claimant's request for a hearing on January 5, 2011, protesting the denial of her State Emergency Relief (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 (ERM).

State Emergency Relief (SER) prevents serious harm to individuals and families. SER assists applicants with safe, decent, affordable housing and other essential needs when an emergency situation arises. ERM 101.

Certain conditions must be met before SER can be issued to help individuals and families whose health and safety are threatened:

- Prior written or oral approval must be given by an authorized department staff person before SER issuance. Do not issue SER to reimburse expenses incurred or paid without prior department approval.
- The SER payment must resolve the emergency.
- The group must meet all applicable policy requirements for the SER service. ERM 103.

Evaluate the payment history for the preceding six-month period to determine the required payment criteria. Required payments are actual shelter costs or required energy and/or utility payments as outlined in ERM 301 and ERM 302.

Bridges will authorize the amount the SER group needs to keep or obtain permanent shelter, up to the amounts in the Issuance Maximums for Relocation Services. ERM 303.

In this case, the Claimant had a possession judgment against her for a total of [REDACTED]. The Claimant's co-payment of [REDACTED] and her shortfall of [REDACTED] are greater than the amount needed to resolve the emergency.

On January 8, 2011, the Department denied the Claimant's State Emergency Relief (SER) application because the SER payment would not resolve the emergency.

The Department has established that it properly determined the Claimant's eligibility for State Emergency Relief (SER).

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 State Emergency Relief (SER) eligibility.

The Department's State Emergency Relief (SER) eligibility determination is AFFIRMED. It is SO ORDERED.

____/s/_____
Kevin Scully
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: _5/11/11_____

Date Mailed: _5/11/11_____

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.

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