

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.: 2011-15969
Issue No.: 5000
Case No.: [REDACTED]
Hearing Date: March 16, 2011
DHS County: Wayne (82-57)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to Michigan Compiled Laws (MCL) 400.9 and 400.37, and Claimant [REDACTED] request for a hearing. After due notice, a telephone hearing was held on March 16, 2011. Claimant appeared and testified. [REDACTED] and [REDACTED], appeared and testified on behalf of the Department of Human Services (DHS).

ISSUE

Whether DHS processed Claimant's State Emergency Relief (SER) application properly?

FINDINGS OF FACT

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

1. At all times pertinent to this matter, Claimant was fully cooperative with DHS.
2. On December 1, 2010, Claimant applied for SER relocation assistance benefits with DHS.
3. On December 14, 2010, Claimant filed a hearing request with DHS.
4. On December 18, 2010, DHS denied Claimant's application for the reason that "your emergency has already been resolved."

5. At the Administrative Hearing on March 16, 2011, Claimant testified that the reason for her application was that she was forced to move from unsafe housing when her daughter was robbed at gunpoint.
6. At the hearing, DHS agreed to accept the Claimant's testimony and the documents she presented which verified that an individual was convicted of criminal behavior. Based on this information, DHS offered to reinstate and reprocess Claimant's December 1, 2010, SER application.
7. As a result of DHS' agreement to reopen and reprocess Claimant's December 1, 2010, application, Claimant testified that she no longer wished to continue the administrative hearing process.

CONCLUSIONS OF LAW

SER was established by 2004 Michigan Public Acts 344. The SER program is administered pursuant to MCL 400.10 *et seq.* and Michigan Administrative Code Rules 400.7001-400.7049. DHS policies and procedures are found in the Emergency Relief Manual (ERM). This manual is available online at www.michigan.gov/dhs-manuals.

The administrative manuals are the policies and procedures DHS officially created for its own use. While the DHS manuals are not laws created by the U.S. Congress or the Michigan Legislature, they constitute legal authority which DHS must follow.

Under BAM Item 600, clients have the right to contest any DHS decision affecting eligibility or benefit levels whenever they believe the decision is illegal. DHS provides an Administrative Hearing to review the decision and determine if it is appropriate. DHS policy includes procedures to meet the minimal requirements for a fair hearing. Efforts to clarify and resolve the client's concerns start when DHS receives a hearing request and continue through the day of the hearing.

At the hearing, the parties agreed to settle and resolve the situation with the remedy that DHS will reopen and reprocess Claimant's December 1, 2010, application, and accept Claimant's testimony and documentation regarding unsafe housing. As the parties have agreed to settle their differences, it is not necessary for the Administrative Law Judge to adjudicate any issues presented.

Therefore, IT IS ORDERED that DHS shall reopen and reprocess Claimant's December 1, 2010, SER application, taking into consideration fully the need for SER benefits based on the existence of unsafe housing. This will be accomplished pursuant to the stipulated agreement of the parties and in accordance with DHS policies and procedures.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law and the stipulated agreement of the parties, states IT IS HEREBY ORDERED that DHS shall reopen and reprocess Claimant's December 1, 2010, SER application and accept Claimant's testimony and documents regarding unsafe housing. DHS shall conduct these actions in accordance with DHS policies and procedures.

IT IS SO ORDERED.



Jan Leventer
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: March 24, 2011

Date Mailed: March 24, 2011

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.

JL/pf

cc:

