

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

IN THE MATTER OF:



Reg. No: 201116093
Issue No: 5034
Case No: [REDACTED]
Hearing Date: July 6, 2011
Kent County DHS

ADMINISTRATIVE LAW JUDGE: Christopher S. Saunders

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 received on November 24, 2009. After due notice, a telephone hearing was held on July 6, 2011. Claimant personally appeared and provided testimony.

ISSUE

Did the department properly deny Claimant's State Emergency Relief (SER) application for assistance with the repair of her automobile?

FINDINGS OF FACT

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

1. Claimant alleges she applied for State Emergency Relief (SER) assistance in June or July of 2009. (Department Hearing Summary).
2. The department has no record of ever receiving such an application. (Department Exhibit 1-4).
3. The claimant filed a request for hearing on November 24, 2009.

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. MAC R 400.903(1). An opportunity for a hearing shall be granted to an applicant who requests a hearing because of a denial. MAC R 400.903(2).

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. BAM 600. The department will provide an administrative hearing to review the decision and determine the appropriateness. BAM 600.

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 Emergency Relief Manual (ERM).

State Emergency Relief 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.

In the case at hand, the department has no record of an application filed, and therefore no record of an eligibility determination. Since it cannot be ascertained as to what the eligibility determination of the department was, it cannot be determined whether or not the department made the proper determination. The claimant did submit a string of emails which tend to show that there was an application filed with the department, but it cannot be said from the nature of the emails exactly what the application contained or what specific relief was requested.

However, even if the department would have made a determination and denied the claimant, the department would have done so properly. The SER program does not speak to situations involving the repair of automobiles. As stated in ERM 101, the SER program is designed to prevent serious harm to individuals and families. SER policy does not contemplate the type of relief that the claimant is requesting.

At the hearing, the department representative indicated to the claimant that the SER program was not the program to be used for such an expense, and that there was a program that the claimant could apply for that would cover expenses related to automobile repair. The department representative also stated that there would be nothing stopping the claimant from filing for that program as of the date of the hearing.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides since there is no evidence of the determination made by the department on the claimant's alleged application, it cannot be said that the department took any inappropriate action in relation to the claimant's SER application, further the relief requested by the claimant is not contemplated by SER and the claimant has been directed to the appropriate program for the relief she is requesting.

Accordingly, the department's actions are **AFFIRMED**.

It is SO ORDERED.

/s/

Christopher S. Saunders
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: July 20, 2011

Date Mailed: July 21, 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 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.

CSS/cr

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