

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

IN THE MATTER OF:



Reg. No. 2011-31636
Issue No. 5032
Case No. [REDACTED]
Hearing Date: July 20, 2011
Macomb County DHS (20)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a hearing was held in Warren, Michigan, on Wednesday, July 20, 2011. The Claimant appeared and testified. [REDACTED] appeared on behalf of the Department of Human Services ("Department").

ISSUE

Whether the Department properly processed and denied the Claimant's State Emergency Relief ("SER") applications?

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 [REDACTED] the District Court issued a judgment in favor of the Claimant's landlord providing for eviction on or before [REDACTED] unless past rent was received in the amount of \$1,839.00. (Exhibit 3.)
2. The Claimant submitted SER applications on January 10, February 18, and March 25, 2011 seeking assistance with for the past rent. (Exhibit 2.)
3. On January 18, 2011, the Department approved the January 10th SER application notifying the Claimant that after payment of \$1,219.00 was confirmed, the Department would pay \$620.00. (Exhibit 4.)

4. The Claimant did not provide proof of payment so the Department did not release funds.
5. On March 15, 2011, the Department approved the Claimant's February 18th SER request with the same terms as the previous approval. (Exhibit 5.)
6. The Claimant did not provide proof of payment so the Department did not release funds.
7. The Department did not process the Claimant's March 25th SER request.
8. On April 11, 2011, the Department received the Claimant's timely written request for hearing. (Exhibit 7.)

CONCLUSIONS OF LAW

The 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 (formerly known as the Family Independence Agency) policies are found in the Emergency Relief Manual ("ERM").

SER prevents serious harm to individuals and families by assisting applicants with safe, decent, affordable housing and other essential needs when an emergency situation arises. ERM 101. All countable earned and unearned income is used to determine the group's financial eligibility. ERM 206. SER assists individuals and families to resolve or prevent homelessness by providing money for rent, security deposits, and moving expenses. ERM 303.

In this case, the Claimant submitted three SER requests each covering a judgment for possession in the amount of \$1,839.00. The Department properly processed the January 10th and February 18th applications and notified the Claimant of the amount she was responsible for. In addition, the Notice stated that the Department would not release funds until proof was provided that the Claimant made the specified payment. The Claimant did not provide proof within the required time so the SER request was closed. Under these facts, the Department established it acted in accordance with Department policy when it processed the January 10th and February 18th SER requests.

The Claimant submitted a third SER application on March 25, 2011. Although the Department received this application, it was never processed. Under these facts, the Department failed to establish it acted in accordance with Department policy.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law the Department's actions are AFFIRMED in part/REVERSED in part.

1. The Department's processing of the January 10th and February 18th SER applications is AFFIRMED.
2. The Department's failure to process the March 25th SER application is REVERSED.
3. The Department shall process the March 25th SER application in accordance with Department policy.
4. The Department shall notify the Claimant of the determination in accordance with Department policy.

Colleen M. Mamelka

Colleen M. Mamelka
Administrative Law Judge
For Maura Corrigan Director
Department of Human Services

Date Signed: July 21, 2011

Date Mailed: July 22, 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.

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cc:

