#### STATE OF MICHIGAN

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

IN THE MATTER OF:



Reg. No.: 2011-33337

Issue No.: 5000

Case No.:

Hearing Date: June 30, 2011

Oakland County DHS

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

# **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 t elephone hearing was held on June 30, 2011. Claim ant appeared and testified. Claimant's mother, also appeared on behalf of Claimant. ES, and ES, appeared on behalf of t he Department of Human Se rvices (Department or DHS.)

# <u>ISSUE</u>

Was the Department correct in its decisio n to deny Claimant's applic ation for SER-relocation?

#### FINDINGS OF FACT

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

- 1. Claimant applied for SER-relocation on April 19, 2011.
- 2. The Department denied Claimant's application.
- 3. At the hearing, the D epartment agreed to reinstate and reprocess Claima nt's application for SER of April 19, 2011.
- As a result of the agr eement, Claimant's st ated that he no longe r requested a hearing.

### CONCLUSIONS OF LAW

The State Emergency Relief (S ER) program is established by 2004 PA 344. The SER program is administer ed pursuant to MCL 400.10, *et seq.*, and by final administrative rules filed with the Se cretary of State on Oc tober 28, 1993. Michi gan Administrative Code Rules R 400.7001-400-7049. Department of Human Services (formerly known as the Family Independence Agency) policies are found in the State Emergency Relief Manual (ERM).

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

In the present case, the Depart ment has agreed to reinstate and reprocess Claimant's SER-relocation application of Ap ril 19, 2011. As a result of this agreement, Claimant indicated he no longer wished to proceed with the hearing. Since the Claimant and the Department have come to an agreement it is unnecessary for this Administrative Law Judge to make a decision regarding the facts and issues in this case

# **DECISION AND ORDER**

The Administrative Law Judge, based on the above findings of fact and conclusions of law decides that the Depar tment and Claimant have come to a settlement regarding Claimant's request for a heari ng. Therefore, it is O RDERED that the Department reinstate and reprocess Claimant's SER-reloca tion applic ation of April 19, 2011, in accordance with the settlement agreement, and issue a new St ate Emergency Relief Decision Notice. Claimant may request a hearing on the new Decision Notice if he feels aggrieved by it.

Susan C. Burke

Administrative Law Judge

For Maura Corrigan Director

Department of Human Services

Date Signed: 7/1/11

Date Mailed: 7/1/11

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**NOTICE:** Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party wit hin 30 days of the ma illing date of this Decision and Order. Administrative Hear ings will not orde r a rehearing or reconsideration on the Department's mo tion where the final decis ion 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 ti mely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

#### SB/sm

