

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

IN THE MATTER OF:



Reg. No.: 2011-38924
Issue No.: 5016
Case No.: [REDACTED]
Hearing Date: July 27, 2011
Washtenaw County DHS

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on 7/27/11. Claimant participated and testified. Other participants were [REDACTED], Claimant's mother. [REDACTED] represented the Department of Human Services.

ISSUE

Did the Department of Human Services (Department) properly deny Claimant's request for State Emergency Relief (SER) assistance with heat electric utility service (water sewer cooking gas)?

FINDINGS OF FACT

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

1. On 3/22/11, Claimant applied for SER assistance with heat electric utility service (water sewer cooking gas).
2. On 3/24/11, the Department sent notice of the application denial to Claimant.
3. On 3/24/11, the Department received Claimant's hearing request, protesting the SER denial.

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 1993 ACS R 400.7001-400.7049. Department policies are found in the State Emergency Relief Manual (ERM).

Based on the above Findings of Fact, and for reasons stated on the record, the Administrative Law Judge concludes that the Department properly improperly denied Claimant's SER application for assistance with heat electric utility service (water sewer cooking gas).

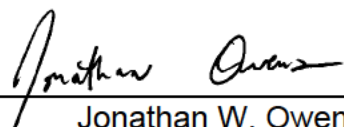
DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, finds that the Department did did not act properly.

Accordingly, the Department's decision is AFFIRMED REVERSED for the reasons stated on the record.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING:

1. Reprocess the SER application dated 3/22/11 and supplement Claimant for any loss of benefits.


Jonathan W. Owens
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: July 27, 2011

Date Mailed: July 27, 2011

NOTICE: Michigan Administrative Hearing System (MAHS) 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. MAHS 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.

JWO/pf

cc:

[REDACTED]