

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

IN THE MATTER OF:



Reg. No.: 201146133
Issue No.: 5026
Case No.: [REDACTED]
Hearing Date: October 13, 2011
County: Wayne (18)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 October 13, 2011, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of Department of Human Services (Department) included Nataki Johnson, Supervisor, and Juanita Mostafa, Eligibility Specialist.

ISSUE

Did the Department properly deny Claimant's request for State Emergency Relief (SER) assistance with shelter emergency?

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 June 21, 2011, Claimant applied for SER assistance with shelter emergency.
2. On June 29, 2011 and July 18, 2011, the Department sent notice of the application denial to Claimant.
3. On July 7, 2011, 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, 1999 AC, Rule

400.7001 through Rule 400.7049. Department policies are found in the State Emergency Relief Manual (ERM).

Additionally, the Claimant applied for SER assistance of \$1,000 for relocation purposes. The Department originally denied the application on the basis of lack of affordability, but, after discovering that that decision was erroneous, reprocessed Claimant's application using budget figures for July 18, 2011 to August 16, 2011, and denied the application on the basis that Claimant's copayment was equal to or greater than the amount needed to resolve the emergency. At the hearing, the Department acknowledged that this was the only basis for denying Claimant's SER request, and Claimant agreed that she requested a hearing with respect to that decision by the Department.

A review of the SER copayment calculation budget shows that the Department erred in several respects. It used an incorrect amount for the amount of Claimant's asset copayment and failed to exclude the first \$50 of Claimant's cash assets as required under ERM 205. It failed to consider the child support received by Claimant as required under ERM 206. The Claimant also testified that she was repaying some amounts under a bankruptcy agreement; the Department should consider whether this agreement resulted in any deductions required by Claimant's employer as a condition of employment. See ERM 206. Because of these errors, the Department failed to comply with Department policy when it denied Claimant's SER request on the basis that Claimant's copayment was equal to or greater than the amount needed to resolve the emergency.

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that the Department
 properly denied improperly denied
 Claimant's SER application for assistance with shelter emergency.

DECISION AND ORDER

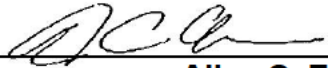
The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department
 did act properly. did not act properly.

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

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reregister Claimant's June 21, 2011 SER application for relocation;
2. Reprocess the application to determine Claimant's eligibility for SER assistance using updated figures and information; and

3. Notify Claimant in writing of its decision.



Alice C. Elkin
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 10/18/11

Date Mailed: 10/18/11

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 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.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
 - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at
Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

ACE/dj

cc:

