

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

IN THE MATTER OF:



Reg. No.: 2011-50809
Issue No.: 5003, 5032
Case No.: [REDACTED]
Hearing Date: October 6, 2011
County: Wayne County DHS (35)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 6, 2011, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of Department of Human Services (Department) included [REDACTED], JET/FIS and [REDACTED], JET Coordinator.

ISSUE

Did the Department properly deny Claimant's request for State Emergency Relief (SER) assistance with regard to 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 6/9/11 and 7/6/11, Claimant applied for SER assistance with shelter emergency.
2. Both applications were denied. On 6/18/11 the second application was denied, the Department sent notice of the application denial to Claimant.
3. On August 4, 2011, the Department received Claimant's hearing request, protesting the SER denial and also seeking a hearing regarding her FIP benefits.

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 Department incorrectly failed to verify the address where the Claimant planned to move when reviewing the July 2011 application for shelter emergency assistance. It also apparently denied the application for failure to provide information. Based on the record it also appears that the Department used the prior verification filed by the Claimant with her June 9, 2011 application to conclude that the Claimant had already moved. The Department did not seek a separate verification from the Claimant of her new intended address.

Based on the foregoing actions it is determined that the Department did not deny the July 2011 application correctly. The Department also did not follow Department Policy which requires all applications for relocation have shelter verifications completed prior to authorization of services ERM 303, page 4. ERM requires that all applications be separately verified with each application. ERM 303, page 4.

Notwithstanding the failure to follow policy by the Department, the Claimant is not eligible to receive further relocation assistance, as the emergency created by her prior judgment of eviction has been resolved, as the Claimant has moved into a new residence. ERM 103, page 3.

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

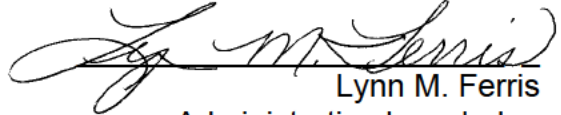
The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department did act properly. did not act properly.

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. Even though the Department failed to correctly deny the 7/6/11 SER application for relocation assistance, the emergency is resolved and therefore no further relief can be granted thus the Department is AFFIRMED,

2. The Claimant's hearing request regarding the FIP cash assistance issue has been resolved to her satisfaction prior to the hearing, and therefore is DISMISSED.


Lynn M. Ferris
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: October 11, 2011

Date Mailed: October 11, 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 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

LMF/hw

cc:



