

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201182
Issue No.: 5016; 5032
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: November 29, 2010
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 telephone hearing was held on November 29, 2010. The Claimant appeared at the hearing and testified. [REDACTED], FIM appeared on behalf of the Department.

ISSUE

Was the Department correct in denying Claimant's State Emergency Relief applications?

FINDINGS OF FACT

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

- (1) Claimant applied for State Emergency Relief on June 18, July 20, and July 30, 2010.
- (2) Claimant's SER application was denied on July 23, 2010 because there was no court ordered eviction.
- (3) Claimant's SER application was denied on August 9, 2010 because there was no emergency.
- (4) Claimant requested a hearing on September 22, 2010 contesting the denial of SER 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 final administrative rules filed with the Secretary of State on October 28, 1993. MAC R 400.7001-400.7049. The Department of Human Services’ [formerly known as the Family Independence Agency] policies are found in the State Emergency Relief Manual (“ERM”).

State Emergency Relief (“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, p. 1.

Deny SER if the group does not have sufficient income to meet their total housing obligation. The total housing obligation cannot exceed 75% of the group's total net countable income. ERM 207.

SER helps to restore or prevent shut off of a utility service specified in this item when service is necessary to prevent serious harm to SER group members. **Covered Services** The following are covered utility services: • Payment of an arrearage to maintain or restore service for the following utilities: water, sewer or cooking gas. The payment must restore or continue service for at least 30 days at the current residence. However, payments for current charges are not allowed. • A deposit (including membership fees and lease/rental payments for an on-site storage tank) required by the utility provider to begin, maintain, or restore one of the following services currently or previously the responsibility of the SER group: water, sewer and cooking fuel. • Fees for connection, reconnection, or hookup of utility services. The bill does not have to be in the client’s name but it must be connected to the group’s current address. ERM 302.

In the present case, Claimant filed 3 applications for State Emergency Relief. These applications were denied because there was no court ordered eviction, because there was no emergency, and because no shut office was provided.

Claimant provided eviction papers and shut off notices, but the documents were dated for October 2010 after the request for hearing was filed. Claimant has failed to submit sufficient proof that she met criteria for state emergency relief at the time of application. Therefore, the Department’s denials of Claimant’s applications for State Emergency Relief were proper and correct.

DECISION AND ORDER

This Administrative Law Judge based on the forgoing findings of facts and conclusions of law decides that the Department was correct in the denial of SER benefits, and it is

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ORDERED that the Department's decision in this regard be and is hereby AFFIRMED.



Aaron McClintic
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: December 10, 2010

Date Mailed: December 10, 2010

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 60 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 of the rehearing decision.

AM/hw

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