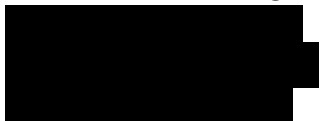


STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No.: 2011-11679
Issue No.: 5026
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: February 9, 2011
Macomb County DHS (20)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

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 February 9, 2011. The claimant appeared and testified.

ISSUE

Did the Department properly deny the Claimant's application for State Emergency Assistance (SER) to pay rent?

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 October 18, 2010, the claimant filed an application for shelter relocation.
2. On October 20, 2010, the department denied the SER application.
3. On October 29, 2010, the Claimant filed a request for a hearing.

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. Michigan 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).

Legal Notice

A court summons, order, or judgment was issued which will result in the SER group becoming homeless. (ERM 303, p.3).

Here, the claimant did not provide a summons, order, or judgment as proof of his impending eviction.

This ALJ finds that the department was correct in denying the claimant's SER application.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, AFFRIMS the Department's decision.



Michael J. Bennane
Administrative Law Judge
For Maura Corrigan Director
Department of Human Services

Date Signed: 2/17/2011

Date Mailed: 2/17/2011

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 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.

MJB/jlg

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cc:

