

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

IN THE MATTER OF:



Reg. No.: 2011-2298
Issue No.: 5000
Case No.: [REDACTED]
Hearing Date: December 13, 2010
DHS County: Wayne (82-35)

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing. After due notice, a telephone hearing was held on December 13, 2010. Claimant appeared and testified. [REDACTED] appeared on behalf of the Department of Human Services (Department).

ISSUE

Was the Department correct in denying Claimant's State Emergency Relief (SER) request?

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 SER for rent in the amount of \$1,874.00, electricity in the amount of \$3,187.47, heat in the amount of "1/2 electricity" and food in the amount of \$116.00 on August 31, 2010.
2. Claimant received \$661.00 per month in Social Security Income (SSI).
3. Claimant did not submit a notice of eviction dated prior to the date of denial.
4. Claimant did not submit a shut-off notice for electricity or heat.
5. The Department denied Claimant's request on September 10, 2010, because claimant did not meet program requirements.

6. Claimant submitted a Request for Hearing on September 10, 2010, noting rent as the program in dispute.
7. Claimant brought to the hearing a November 2010 court-ordered eviction notice.
8. At the hearing, the Department agreed to process Claimant's SER for rent as of the November 2010 eviction notice and to assist Claimant in applying for a new SER for electricity.
9. As a result of this agreement, Claimant indicated that she no longer wished to proceed with the hearing.

CONCLUSIONS OF LAW

The 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. Department policies are found in the State Emergency Relief Manual (ERM).

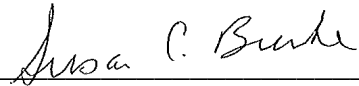
ERM 303 states, in part:

State Emergency Relief (SER) assists individuals and families to resolve or prevent homelessness by providing money for rent, security deposits, moving expenses.... Authorize relocation services only if one of the following circumstances exists and all other SER criteria are met: ... a court summons, order, or judgment was issued which will result in the SER group becoming homeless.

In the present case, the Department has agreed to process Claimant's SER for rent as of the November 2010 court-ordered eviction notice and to assist Claimant in applying for a new SER for electricity. As a result of this agreement, Claimant indicated she no longer wished to proceed with the hearing. Since Claimant and the Department have come to an agreement, it is unnecessary for this Administrative Law Judge to make a decision regarding the facts and issues in this case.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department and Claimant have come to a settlement regarding Claimant's request for a hearing. Therefore, it is ORDERED that the Department process Claimant's SER for rent as of the November 2010 court-ordered eviction notice and to assist Claimant in applying for a new SER for electricity in accordance with this settlement agreement.



Susan C. Burke
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: January 3, 2011

Date Mailed: January 4, 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.

SCB/pf

cc:

