

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-24420
Issue No.: 5006
Case No.: [REDACTED]
Hearing Date: May 11, 2011
DHS County: Wayne (82-76)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

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 conducted from Detroit, Michigan, on Wednesday, May 11, 2011. The Claimant appeared and testified. [REDACTED] appeared on behalf of the Department of Human Services ("Department").

ISSUE

Whether the Department properly denied the Claimant's State Emergency Relief ("SER") application?

FINDINGS OF FACT

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

1. The Claimant submitted an application for public assistance seeking SER benefits on February 25, 2011.
2. On March 5, 2011, the Department issued a Decision Notice informing the Claimant of his required payment to be paid (or arrangements made) by March 26, 2011. (Exhibit 1)
3. On March 14, 2011, the Department received the Claimant's written request for hearing. (Exhibit 3)
4. On March 15, 2011, the Department sent the Claimant a pre-conference hearing notification. (Exhibit 3)

5. On March 17, 2011, the Claimant contacted the Department stating he would make payment arrangements with the water department.
6. The Claimant did not make payment, or payment arrangements, before March 26, 2011. (Exhibit 4)
7. As a result of the non-payment, the SER application was closed.

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's (formerly known as the Family Independence Agency) policies are found in the Emergency Relief Manual ("ERM").

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. All countable earned and unearned income is used to determine the group's financial eligibility. ERM 206. SER also assists with home repairs to correct unsafe conditions and restore essential services. ERM 304. SER helps to restore or prevent shut off of a utility service to include water services. ERM 302. The utility required payment must be met before utility services are authorized. ERM 302. The SER water cap for a group size of one per fiscal year is \$175.00. ERM 302.

In this case, the Claimant completed an SER application to prevent his water from being turned off. The Department processed the application and notified the Claimant that the Department would pay \$175.00 (SER water cap) provided the Claimant paid (or made arrangements for payment of) \$994.81 by March 26, 2011. The Claimant did not pay, or make arrangements for the required amount until April 2011. As a result, the SER application automatically closed. In light of the foregoing, it is found that the Department established it acted in accordance with Department policy when it processed and closed the Claimant's SER application. Accordingly, the Department's actions are upheld.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, finds the Department acted in accordance with Department policy when it processed and closed the Claimant's SER application.

Accordingly, it is ORDERED:

The Department's determination is AFFIRMED.

Colleen M. Mamelka

Colleen M. Mamelka
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: May 12, 2011

Date Mailed: May 16, 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.

CMM/pf

cc:

