

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

IN THE MATTER OF:

[REDACTED]

Reg. No. 2011-31158
Issue No. 5032
Case No. [REDACTED]
Hearing Date: August 11, 2011
Wayne County DHS (57)

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 hearing was conducted from Detroit, Michigan on Thursday, August 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 because the emergency no longer existed?

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 March 16, 2011, the Claimant had a hearing regarding the processing of a December 1, 2010 SER application.
2. As a result of the hearing, the Department agreed to re-open and re-process the December 1st SER request for relocation services. (Exhibit 1)
3. On March 30, 2011, the Department denied the Claimant's SER request because the emergency had been resolved.

4. On or about April 7, 2011, the Department received the Claimant's written request for hearing.

CONCLUSIONS OF LAW

The State Emergency Relief 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 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. SER assists to resolve or prevent homelessness by providing money for rent, security, deposits, and moving expenses. ERM 303. The issuance amount must resolve the group's shelter emergency. ERM 303.

As a result of the March 16th hearing, the Department agreed to re-open and re-process a December 1, 2010 SER application. That being stated, the Department did not have a copy of the SER application; therefore, the Claimant completed another one. The "new" SER application requested relocation assistance only. During the hearing, the Claimant asserted that she had also sought assistance with her past-due utilities, noting that she had specifically brought the issue up during the March 16th hearing. In review of the March 16th recording, there was no mention of assistance for utilities.

In this case, the Claimant testified that as of December 1, 2010, she had in fact moved into her new residence and had given the landlord the requisite payment. In light of the foregoing, an emergency did not exist and the SER application was properly denied. Ultimately, the Department established it acted in accordance with Department policy when it denied the Claimant's SER application because the emergency was resolved. Accordingly, the Department's actions are AFFIRMED.

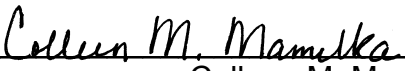
DECISION AND ORDER

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 denied the Claimant's SER application for relocation services because the emergency was resolved.

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Accordingly, it is ORDERED:

The Department's determination is AFFIRMED.



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

Date Signed: August 16, 2011

Date Mailed: August 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.

CM/cl

cc:

