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

IN THE MATTER OF:



Reg. No.: 2012-20706

Issue No.: 5025

Case No.:

Hearing Date: April 30, 2012 County: Wayne (57)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administ rative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claim ant's request for a hearing. After due notice, a telephone hearing was held on Apr il 30, 2012, from Detroit, Mi chigan. Participants on behalf of Claimant included the claimant. Participants on be half of the Dep artment of Human Services (Department) included

ISSUE

Did the Department properly deny Claimant's request for State Emergency Relief (SER) assistance with shelter emergency?

FINDINGS OF FACT

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

- 1. On November 23, 2011, Claimant ap plied for SER assis tance with shelter emergency.
- 2. On November 23, 2011, the Department sent notice of the application denial to Claimant.
- 3. On December 5, 2011, the Departm ent received Claimant's hearing request, protesting the SER denial.

CONCLUSIONS OF LAW

The State Emergency Relief (S ER) program is established by 2004 PA 344. The SER program is administered pursuant to MCL 400.10, et seg., and by, 1999 AC, Rule 400.7001 through Rule 400.7049. Department polic ies are found in the State Emergency Relief Manual (ERM).

Additionally, the claimant owed back taxes of \$7,316.55, at the time of her application policy states: "The total amount of tax for an SER for property taxes. Department arrearage for all years, does not exceed \$2,000. (This only an plies to home ownership

for taxes.) Pay only the minimum amount required to resolve the tax emergency. Do not pay until loss of the home is imminent; see Veri fication below." (ERM 304, p.4). Here, the claimant owed \$7,316.55 when she applied for the SER.
Based upon the abov e Findings of Fact and Conclus ions of Law and for the reasons stated on the record, the Administrative Law Judge concludes that the Department properly denied improperly denied Claimant's SER application for assistance with shelter emergency.
DECISION AND ORDER
The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department ☑ did not act properly.
Accordingly, the Department's decision is $igtimes$ AFFIRMED $igsquare$ REVERSED for the reasons stated on the record.

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

Date Signed: May 9, 2012

Date Mailed: May 9, 2012

NOTICE: Michigan Administrative Hearing S ystem (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a par ty within 30 days of the mailing date of this Dec ision and Order. MAHS will not order a rehearing or reconsideration on the Department's mo ion cannot be tion where the final decis implemented within 90 days of the filing of the original request.

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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 ti mely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing <u>MAY</u> be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
 - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at

Michigan Administrative Hearings

Re consideration/Rehearing Request

P. O. Box 30639

Lansing, Michigan 48909-07322

MJB/cl

cc: