

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

IN THE MATTER OF:



Reg. No.: 2012-69501
Issue No.: 5006
Case No.: [REDACTED]
Hearing Date: March 11, 2013
County: Wayne (15)

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 following Claimant's request for a hearing. After due notice, a telephone hearing was held on March 11, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and Claimant's mother, [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED], ES.

ISSUE

Was the Department correct in its decision to not make a payment to Claimant's landlord based on its May 23, 2012 State Emergency Relief (SER) Decision Notice?

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 May 18, 2012, Claimant applied for SER assistance with shelter emergency.
2. On May 23, 2012, the Department sent to Claimant a State Emergency Relief Decision Notice, stating that the Department would pay \$620.00 toward the shelter emergency upon verification from Claimant that she paid \$2,399.50 toward the shelter emergency by June 16, 2012. (Exhibit 1)
3. On June 6, 2012, the Department received a receipt from Claimant, showing that she made a partial payment of \$542.00 to her landlord.
4. The Department did not make a payment to Claimant's landlord.

5. Claimant requested a hearing, protesting that the Department did not make a payment to her landlord, after her SER request was approved.

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, 1999 AC, Rule 400.7001 through Rule 400.7049. Department policies are found in the State Emergency Relief Manual (ERM).

Required payments are determined based on the group size, the group's income and the obligation to pay for the service that existed during each month of the six months prior to application; If the client failed without good cause to make required payments, a short fall amount is determined. The client must pay the shortfall amount toward the cost of resolving the emergency. Verification that the shortfall has been paid must be received before any SER payment can be made. ERM 208

In the present case, the Department determined that Claimant had \$1,800.00 in unmet required payments, \$58.00 in income/asset copayment and a \$541.50 in required contributions, for a total amount of \$2,399.50 due to the landlord, to be paid by June 16, 2012. Claimant apparently misunderstood the State Emergency Relief Decision Notice and made a contribution of \$542.00 to her landlord, not the total amount of her share of \$2,399.50. However, per ERM 208, Claimant was also required to pay the shortfall amount toward the cost of the emergency before any SER payment could be made. Since Claimant did not pay the total amount due of \$2,399.50 prior to June 16, 2012, the Department was correct in not making a payment to Claimant's landlord.

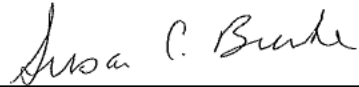
Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that the Department was correct in its decision to not make a payment to Claimant's landlord based on its May 23, 2012 State Emergency Relief (SER) Decision Notice.

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 act properly. did not act properly.

Accordingly, the Department's decision is AFFIRMED REVERSED for the reasons stated on the record.



Susan C. Burke
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: March 12, 2013

Date Mailed: March 12, 2013

NOTICE: Michigan Administrative Hearing System (MAHS) 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. MAHS 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 receipt 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.

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

- A rehearing **MAY** 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
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

SCB/tm

cc:

