

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

IN THE MATTER OF:

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██████████████████
██████████████████████████████

Reg. No. 2013-25555
Issue No. 5026
Case No. ██████████
Hearing Date: May 20, 2013
County: Wayne (55)

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 Monday, May 20, 2013. Claimant appeared and testified. Claimant's testimony was interpreted by ██████████
██████████ Participating on behalf of the Department of Human Services ("Department") was ██████████.

ISSUE

Whether the Department properly processed and 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. On January 2, 2013, the Department received the Claimant's SER application seeking assistance with rent and moving expenses in the amount of \$1,000.00.
2. On January 8, 2013, the Department sent a State Emergency Relief Decision Notice to Claimant notifying him of the denial. (Exhibit 1, pp. 1, 2)
3. Claimant lives in a home of relative and does not have an eviction notice, court judgment, or summons.
4. On January 18, 2013, the Department received Claimant's timely written request for 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. Mich Admin Code, Rules 400.7001 – 400.7049. 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 (April 2011), p. 1. SER assists individuals and families to resolve or prevent homelessness by providing money for rent, security deposits, and moving expenses. ERM 303 (August 2012), p. 1. In general, an individual (or group) living with friends or relatives is not homeless. ERM 303, p. 3. SER is authorized if the individual (or group) is homeless. ERM 303, p. 1. An issued court summons, order, or judgment that will result in the SER group becoming homeless is acceptable documentation. ERM 303, p. 3.

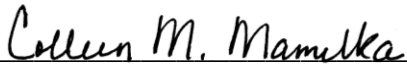
In this case, the Claimant submitted an SER application on January 2, 2013. Claimant is not homeless, or under the threat of being homeless, therefore the application was properly denied. In light of the foregoing, the Department’s SER determination is AFFIRMED.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law finds the Department established it acted in accordance with Department policy when it denied Claimant’s January 2, 2013 SER application.

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: May 30, 2013

2013-25555/CMM

Date Mailed: May 30, 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. (60 days for FAP cases)

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

CMM/tm

cc:

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