

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-860
Issue No.: 5026
Case No.: [REDACTED]
Hearing Date: March 21, 2013
County: Wayne (55)

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 21, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], FIS.

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 the competent, material, and substantial evidence on the whole record, finds as material fact:

1. On July 6, 2012, Claimant signed an application for SER assistance with shelter emergency, which was stamp-dated August 6, 2012. (Exhibit 3)
2. On August 16, 2012, the Department sent notice of the application denial to Claimant, for the reason that no money judgment was entered on the eviction notice.
3. Claimant was not homeless as of August 6, 2012.
4. On September 19, 2012, the Department received Claimant's hearing request, protesting the SER denial.

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).

ERM 101, p. 1 instructs that in order to receive emergency relief from the Department, the client must have an emergency which threatens health or safety and can be resolved through issuance of SER.

ERM 303, p. 1 instructs:

Authorize relocation services only if the client is homeless.

In the present case, Claimant requested assistance for rent and a security deposit. The application shows that Claimant signed the application on July 6, 2012, but the Department date stamp shows August 6, 2012. (Exhibit 3). Claimant testified that as of August 6, 2012, he had already moved into the residence which was the subject of his application, and he was asking for assistance for the rent and security deposit. However, Claimant was not homeless as of August 6, 2012, so the issuance of an SER payment would not resolve an emergency. The Department was therefore correct in denying Claimant's SER application. ERM 101; ERM 303.

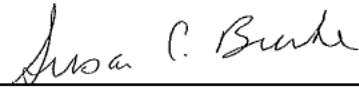
On August 16, 2012, the Department issued a State Emergency Relief Decision Notice ("Notice") denying Claimant's shelter application, with the reason, "Eviction Notice-No money judgment is entered." (Exhibit 4) The reason the Department placed on the Notice was not the correct reason to deny the rent and security deposit application, but the Department was nevertheless correct in denying Claimant's application for rent and security deposit for the reason stated above, that is, Claimant was not homeless. To order the Department to reprocess the application because of a faulty Notice would serve no logical purpose, as the result would be the same.

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
 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 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 25, 2013

Date Mailed: March 25, 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:

