

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

IN THE MATTER OF:



Reg. No.: 2014-24392
Issue No(s):
Case No.:
Hearing Date: March 5, 2014
County: Genesee – 25

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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 5, 2014, from Lansing, Michigan. Participants on behalf of Claimant included herself. Participants on behalf of the Department of Human Services (Department) included Hearings Coordinator . It is noted that the request for hearing was submitted on pages from a Notice of Case Action (DHS-1605) which was sent to Claimant on January 2, 2014. The January 2, 2014 notice was in regard to Medical Assistance (MA) benefits. On the request for hearing Claimant submitted she marked that she requested a hearing for denial of Family Independence Program (FIP). A Family Independence Program (FIP) application was denied via a Notice of Case Action (DHS-1605) dated September 26, 2013. In accordance with Department of Human Services Bridges Administration Manual (BAM) 600 (2013) a request for hearing about a Family Independence Program (FIP) issue must be submitted in writing and within 90 days of the notice of the Departmental action. The last date on which Claimant could submit a request for hearing about the September 26, 2013 Family Independence Program (FIP) application denial was December 25, 2013. This request for hearing was submitted on January 10, 2014. The Family Independence Program (FIP) portion of this hearing request is dismissed for lack of jurisdiction.

ISSUE

Did the Department properly process Claimant's request for State Emergency Relief (SER) assistance with eviction/relocation?

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 December 23, 2013, Claimant applied for SER assistance with eviction/relocation.
2. On December 27, 2013, the Department sent Claimant an SER Decision Notice denying the application.
3. On January 10, 2014, Claimant filed a hearing request.

CONCLUSIONS OF LAW

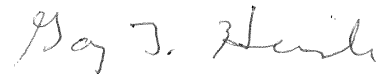
The State Emergency Relief (SER) program is established by the Social Welfare Act, MCL 400.1-.119b. The SER program is administered by the Department (formerly known as the Family Independence Agency) pursuant to MCL 400.10 and by Mich Admin Code, R 400.7001 through R 400.7049. Department policies are found in the Department of Human Services State Emergency Relief Manual (ERM).

Claimant does not dispute that she had not been issued an eviction order at the time of application or denial. Department of Human Services State Emergency Relief Manual (ERM) 303 (2013) for legal notice documentation to show eligibility on page 3 states "A court summons, order, or judgment was issued which **will** result in the SER group becoming homeless."

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it issued its SER Decision Notice.

DECISION AND ORDER

Accordingly, the Department's SER decision is **AFFIRMED**.



Gary F. Heisler
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: March 6, 2014

Date Mailed: March 7, 2014

NOTICE OF APPEAL: 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

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).

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-07322

GFH/nk

cc:

