

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

██████████
Claimant

Reg. No. 2008-23382
Issue No. 5026
Case No. ██████████
Load No. ██████████
Hearing Date:
August 6, 2008
Oakland County DHS

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon the Claimant's request for a hearing. After due notice a telephone hearing was held on August 6, 2008. The Claimant personally appeared and testified.

ISSUE

Did the Department properly deny the Claimant's State Emergency Relief (SER)?

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 April 14, 2008, the Claimant filed an application for SER shelter assistance.
2. On April 23, 2008, the Department ran a SER budget with information supplied by the Claimant and determined that the proposed rent was unaffordable. (Department Exhibit 1, pp. 1-2).

3. On April 23, 2008, the Department sent the Claimant a notice that her SER had been denied. (Department Exhibit 2).

4. On June 5, 2008, the Claimant filed a request for a hearing.

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 final administrative rules filed with the Secretary of State on October 28, 1993. MAC R 400.7001-400.7049. Department of Human Services (formerly known as the Family Independence Agency) policies are found in the State Emergency Relief Manual (SER).

In the instant case, the Department granted the Claimant's request for aid with heat and utilities but denied the Claimant's shelter SER because the rent was found to be unaffordable.

Department policy indicates the following:

Affordability Calculation

Determine whether an SER group meets the Housing Affordability requirement:

Multiply the group's total net countable income by 75%. The result is the maximum "total housing obligation" the group can have, based on their income, and be eligible for SER housing services, and

Refer to the table at the end of this item for any increases in the basic 75% test if the group is renting and heat, electric or water/ cooking gas is included in the rent. Multiply the resulting percentage by the group's total net countable income. The result is the absolute "total housing obligation" the group can have and be eligible for SER housing services.

Document affordability on the SER budget. (ERM 207, p. 1).

Here, the Claimant's income was \$489.00 per month and the proposed rent was \$647.00. Seventy-Five percent (75%) of \$489.00 is \$366.75. The housing in question does not meet the affordability standards.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, AFFIRMS the Department's decision in the instant case.

/s/ _____
Michael J. Bennane
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: February 2, 2009

Date Mailed: February 6, 2009

NOTICE: Administrative Hearings 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. Administrative Hearings 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.

MJB

cc:

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Administrative Hearings (2)