

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg No. 2009 18432
Issue No. 5008
Case No. [REDACTED]
Load No. [REDACTED]
Hearing Date:
May 20, 2010
Muskegon County DHS

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 held on Thursday, May 20, 2010. The claimant personally appeared and testified on his own behalf.

ISSUE

Did the department properly deny the claimant's application for State Emergency Relief (SER)?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, finds a material fact:

1. On October 21, 2008, the claimant applied for SER for assistance with a security deposit. (Department Exhibit 1-5)
2. On October 23, 2008, the department caseworker sent the claimant a Verification Checklist, DHS-3503, for the claimant to provide additional information to determine eligibility that was due October 29, 2008. (Department Exhibit 6-7)
3. On October 28, 2008, the department caseworker received verification from the [REDACTED] signed by the [REDACTED] [REDACTED]r manager/case manager stating that the claimant was residing at [REDACTED]

the [REDACTED] from July 20, 2008 through August 12, 2008. These dates were no current with the State Emergency Relief application of October 21, 2008 and did not verify that the claimant was residing at the shelter in October 2008. (Claimant Exhibit 7)

4. On October 31, 2008, the department caseworker sent the claimant a denial notice stating that the claimant failed to return requested verification needed to make a determination. (Department Exhibit 8)
5. On February 24, 2009, the department received a hearing request from the claimant, contesting the department's negative action.

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 (DHS or department) policies are found in the State Emergency Relief Manual (SER).

The department's program manuals provide the following relevant policy statements and instructions for caseworkers:

DEPARTMENT POLICY

State Emergency Relief (SER) prevents serious harm to individuals and families. SER assists applicants with safe, decent, affordable housing and other essential needs when an emergency situation arises. ERM, Item 101, p. 1.

Requirements

Residence in the State of Michigan is not required. SER serves all persons physically present in Michigan. In addition, SER applicants must:

- . Complete the application process
- . Meet financial and non-financial requirements
- . Have an emergency which threatens health or safety and can be resolved through issuance of SER
- . Take action within their ability to help themselves, i.e., obtain potential resources and/or apply for assistance

- . Not have caused the emergency (ERM, 204, Client-Caused Emergency)
- . Cooperate in providing information about income, assets, living arrangements, and other persons living in the home

Deny SER services for applicants who fail to meet any of the above requirements. ERM, Item 101, p. 1.

Verification

Effective December 5, 2005, clients must be told what verification is required, how to obtain it, and the **due date of 8 days** beginning with the date of application. Use the DHS-3503, Verification Checklist, to request verification.

The client must make a reasonable effort to obtain required verification, but the specialist must assist if the applicant needs and requests help. If neither the client nor the specialist can obtain verification despite a reasonable effort, use the best available information. If no evidence is available, the specialist must use their best judgment. ERM, Item 103, p. 4.

ELIGIBILITY REQUIREMENTS

Authorize relocation services only if one of the following circumstances exists and all other SER criteria are met:

- . The SER group is homeless, living in a shelter, a car, a transitional facility or on the street. A group living with friends or relatives is not homeless, even if the arrangement is temporary unless one of the situations below exists.
 - .. The group is living temporarily with other persons following a fire or natural disaster that occurred not more than 60 days before the date the group files an application for SER.
 - .. The group is living with other persons to escape a domestic violence situation.

- . A court summons, order, or judgment was issued which will result in the SER group becoming homeless.
- . The SER group needs adequate housing to avoid a foster care placement or before a child or children can come home from foster care.
- . An DHS services worker or DHS specialist, with supervisory approval, determines the family must be relocated from unsafe housing for the protection of the children.
- . The SER group receives final written notice to vacate condemned housing from a local public agency authorized to issue such an order.
- . The energy MDT (Multi-Disciplinary Team) has identified the group as living in high energy housing that cannot be rehabilitated. ERM, Item 303, pp. 1-2.

DEPARTMENT POLICY

All Programs

Clients have rights and responsibilities as specified in this item.

The local office must do **all** of the following:

- . Determine eligibility.
- . Calculate the level of benefits.
- . Protect client rights. PAM, Item 105, p. 1.

CLIENT OR AUTHORIZED REPRESENTATIVE RESPONSIBILITIES

Responsibility to Cooperate

All Programs

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of the necessary forms. PAM, Item 105, p. 5.

Refusal to Cooperate Penalties

All Programs

Clients who are able but refuse to provide necessary information or take a required action are subject to penalties. PAM, Item 105, p. 5.

Verifications

All Programs

Clients must take actions within their ability to obtain verifications. DHS staff must assist when necessary. See PAM 130 and PEM 702. PAM, Item 105, p. 8.

LOCAL OFFICE RESPONSIBILITIES

All Programs

Ensure client rights described in this item are honored and that client responsibilities are explained in understandable terms. Clients are to be treated with dignity and respect by all DHS employees. PAM, Item 105, p. 8.

Verification is usually required at application/redetermination **and** for a reported change affecting eligibility or benefit level. PAM, Item 130, p. 1.

In the instant case, the claimant applied for SER assistance on October 21, 2008 for assistance with a security deposit. Based on the verification provided by the claimant, the claimant was living in a homeless shelter in July 2008 through August 2008, but could not verify that the claimant was still living in the shelter in October 2008. As a result, the department caseworker sent the claimant a denial notice on October 31, 2008 for failure to verify that the claimant was living at the shelter in October 2008. Therefore, the department has established that it was acting in compliance with department policy when it determined that the claimant was not eligible to receive SER benefits because he failed to provide verification that he was living at a shelter during the time of his October 21, 2008 application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law that the department has established that it was acting in compliance with department policy by denying the claimant's application for SER.

Accordingly, the department's decision is **AFFIRMED**.

/s/

Carmen G. Fahie
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: July 9, 2010

Date Mailed: July 9, 2010

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 mailing 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.

CGF/vc

cc:

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