

STATE OF MICHIGAN  
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED],  
Claimant

Reg. No.: 2009-26892  
Issue No.: 5032  
Case No.: [REDACTED]  
Load No.: [REDACTED]  
Hearing Date:  
July 27, 2009  
Wayne County DHS (15)

ADMINISTRATIVE LAW JUDGE: Jeanne M. VanderHeide

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 hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on July 27, 2009. The Claimant was present and testified along with her neice, [REDACTED]. [REDACTED], FIM and [REDACTED], JET Coordinator, appeared on behalf of the Department.

ISSUE

Whether the Department properly denied the Claimant's State Emergency Relief ("SER") application?

FINDINGS OF FACT

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

1. The Claimant filed an application for SER benefits for emergency shelter.
2. The Department reported that Claimant, at application interview, indicated that she was residing with a relative.

3. Claimant produced a rental lease signed by Claimant and rental agent indicating that the lease was to begin on 2/1/09. (Exhibit 1, pp. 12-15).
4. Department indicated that landlord was called at interview and landlord said that Claimant was already residing on said property.
5. Claimant testified that she did not move in until the day after her application about 3/26/09 and that she obtained the lease only to show the Department where she was going to move.
6. Claimant testified that she has since moved and was unable to obtain anything from landlord regarding the dates that she resided at apartment.
7. The Department denied SER benefits emergency shelter on April 30, 2009 due to due to Claimant no longer having an emergency. (Exhibit 1, pp. 7, 8)
8. On May 6, 2009, the Department received the Claimant's Request for Hearing protesting the denial of the SER application and closure of FIP benefits.
9. Claimant and Department settled the FIP case on the date of the hearing, July 27, 2009.

#### 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. The Department of Human Services' [formally known as the Family Independence Agency] policies are found in the State Emergency Relief Manual ("ERM").

State Emergency Relief ("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, p. 1. It can provide money for rent, security deposits, and

moving expenses where there is an existing emergency. Homelessness is one example of an emergency that SER seeks to resolve. Homelessness means living on the street or emergency shelter or having no where to return to upon exiting prison or other facility. ERM 301, p. 1-2. The issuance amount must resolve the group's shelter emergency. ERM 301, p. 1. A group living with friends or relatives is not homeless, even if the arrangement is temporary, unless the group meets certain circumstances outlined in ERM 303, p. 3.

In this case, the evidence showed that the Claimant was not homeless. Claimant had a lease that was signed by both parties on 1/12/09 which states, "This Agreement is entered into on the 1<sup>st</sup> day of February, 2009." While there is a not a specific lease term, the lease indicates that "this Lease shall be automatically renewed for successive terms of one month." Exhibit 10, p. 14. Furthermore, the case worker indicated that she called the landlord and he indicated that the Claimant has already moved in months before. The undersigned did not find Claimant's testimony credible upon questioning and Claimant did not have any evidence from the landlord showing that she lived there at a time different than what was showed by the lease. Accordingly, the Administrative Law Judge finds that Claimant was not homeless at the time of her application and SER benefits were properly denied as there was no emergency.

Based upon the foregoing facts and relevant law, it is found that the Department's determination is AFFIRMED.

#### DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department properly denied the Claimant's SER application.

Accordingly, the Department's denial of SER benefits is AFFIRMED.

/s/

\_\_\_\_\_  
Jeanne M. VanderHeide  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: 08/20/09

Date Mailed: 08/25/09

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.

JV/jlg

cc:

[Redacted]