

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.: 2009-33081

Issue No.: 5026/1015

Case No.: [REDACTED]

Load No.: [REDACTED]

Hearing Date:

October 1, 2009

Wayne County DHS (59)

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 October 1, 2009. The Claimant appeared and testified. [REDACTED] FIS appeared and testified on behalf of the Department.

ISSUE

Did the Department properly deny claimant's application for SER and properly determine claimant's FIP benefits?

FINDINGS OF FACT

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

1. Claimant was an ongoing FIP recipient.
2. Claimant had employment income of \$580 from her job with [REDACTED].
3. On June 24, 2009 a new FIP budget was completed that calculated claimant's benefit to be \$99 effective 7/07/2009.

4. The Claimant filed an application for SER benefits for rent and security deposit on June 12, 2009.
5. The Department denied SER benefits on June 24, 2009 due to no court ordered eviction having been filed.
6. On August 11, 2009, the Department received the Claimant's Request for Hearing dated August 11, 2009 protesting the denial of the SER application and reduction in FIP benefits.

CONCLUSIONS OF LAW

The Family Independence program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601, *et seq.* The Department of Human services (DHS or Department) administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3101-3131. The FIP program replaced the Aid to Dependant Children (ADC) program effective October 1, 1996. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference manual (PRM).

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. In order to receive benefits for relocation services, applicants must show they are homeless or potentially homeless. ERM 303

In the present case, claimant's application for SER relocation services was denied because she did not meet any of the criteria for homelessness or potentially homeless. ERM 303 Claimant was living with her father and did not have a written lease, she had not received an eviction notice from her father or an eviction Order or Judgment from the District Court. The Department was correct in determining that claimant was not eligible for relocation services through the state emergency relief program.

In the present case, claimant was working at [REDACTED] earning \$135 a week. The department calculated monthly income of \$580 by multiplying \$135 by 4.3 pursuant to department policy. PEM 505 For FIP budgeting there is a \$200 disregard and a 20% disregard resulting in \$304 budgetable income. PEM 518 The payment standard for a two person household is \$403. RFT 210 Claimant's FIP benefit is determined by subtracting budgetable income from the payment standard $\$403 - \$304 = \$99$. PEM 518

The Department properly calculated claimant's FIP benefits according to department policy and procedures and properly denied SER benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that the department's decision in this matter is hereby AFFIRMED.



Aaron McClintic
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 10/26/09

Date Mailed: 10/26/09

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 60 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.

AM/jlg

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