

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.: 2009-334
Issue No.: 5017
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
May 13, 2009
Wayne County DHS (43)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

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 hearing was conducted from Detroit, Michigan on May 13, 2009. The Claimant appeared and testified. [REDACTED] appeared on behalf of the Department.

ISSUES

Whether the Department properly denied the Claimant's SER application for home repairs based upon the housing affordability requirement?

FINDINGS OF FACT

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

1. On September 2, 2008, the Claimant submitted an Application for State Emergency Relief ("SER") seeking in part, energy related home repairs. (Exhibit 1, pp. 1 – 5; Exhibit 4)

2. The Claimant pays \$350.00 per month for his mortgage obligation. (Exhibit 1, p. 4; Exhibit 2, pp. 1 – 6)
3. The Claimant pays \$110.75 per month for property taxes. (Exhibit 1, p. 4)
4. The Claimant's application listed his monthly homeowner's insurance obligation as \$189.60. (Exhibit 1, p. 4)
5. The Claimant receives \$710.00 in RSDI income. (Exhibit 6)
6. On September 10, 2008, the Department sent a Decision Notice to the Claimant informing him that his furnace repair was denied due to unaffordable housing.
7. On September 26, 2008, the Department received the Claimant's written Request for 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. 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 All countable earned and unearned income is used to determine the group's financial eligibility. ERM 206, p. 1 Housing affordability is a condition of eligibility for SER and applies only to Relocation Services and Home Ownership Services and Repairs. ERM 207, p. 1; ERM 304, p. 6 To determine a group's maximum total housing obligation, a group's total net countable income is multiplied by 75%. ERM 207, p. 2 The

maximum total housing obligation cannot exceed a group's total net countable income. ERM 207, p. 2 The SER budget is used to calculate and certify eligibility or ineligibility for each SER application. ERM 208, p. 1 The SER fund covers energy-related home repairs. ERM 304, pp. 1, 2 An SER application is denied if the group does not have sufficient income to meet the total housing obligation. ERM 207, p. 1

In the record presented, the Claimant submitted an application for SER funds for a furnace. The Claimant's niece, who assisted in completing the application, listed the Claimant's monthly homeowner's insurance as \$189.60. The Claimant testified that that amount is incorrect and that he actually pays just under \$50.00 per month. The Claimant agreed with all other figures used in calculating his SER eligibility. The Claimant never informed the Department that the homeowner's insurance figure was not accurate, nor what he was actually obligated to pay. Ultimately, under the facts presented, the Department established it acted in accordance with Department policy when it determined SER eligibility based upon the information provided for by the Claimant. The Department's denial is AFFIRMED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds the Department acted in accordance with department policy when it denied the Claimant's SER application.

Accordingly, it is ORDERED:

