

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: 2009-13591

Issue No: 5026

Case No: ██████████

Load No: ██████████

Hearing Date:

June 3, 2010

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 June 3, 2010. The Claimant appeared and testified. Deborah Randolph, FIM and Rosalind Lowe, FIS appeared on behalf of the Department.

ISSUE

Was the Department correct in denying Claimant's 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) Claimant applied for SER benefits on June 24, 2008.
- (2) Claimant's application for SER was denied on July 3, 2008 for several reasons.

The reasons the application was denied was because the claimant did not have sufficient income to meet ongoing housing expenses; she did not provide the

Department with either a summons, a judgment or eviction order; and the relief she would be otherwise eligible for as a group of three , (\$620 ) , would not have resolved the emergency.

- (3) At the time of the application, the claimant owed \$1590 in back rent.
- (4) Claimant sole income was \$492 per month in FIP Cash Assistance.
- (5) Claimant's rental obligation was \$480 per month.
- (6) Claimant requested a hearing on July 9, 2008 contesting the denial of her SER application.

#### 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").

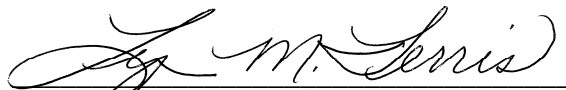
State Emergency Relief ("SER") prevents serious harm to individuals and families by assisting applicants with safe, decent, affordable housing and other essential needs when an emergency situation arises. ERM 101, p. 1. In order to receive benefits for relocation services applicants must show they are homeless or potentially homeless. ERM 303 Deny SER if the group does not have sufficient income to meet their total housing obligation. The total housing obligation cannot exceed 75% of the group's total net countable income. ERM 207

In the present case, Claimant's income was \$492 per month in FIP Cash Assistance benefits. Claimant's total housing obligation was \$480 per month. Claimant's total housing obligation was 102.5% of her net countable income.  $492/480=102.5$  Therefore, the Department

correctly determined that Claimant was not eligible for rent assistance through the State Emergency Relief program because she did not have sufficient income to meet ongoing housing expenses. ERM 207. Additionally, the Claimant did not provide the Department with a summons, judgment or order of eviction at the time of application, as required for verification. ERM 303 page 3. Finally, the Claimant would only have been eligible for \$620 in assistance and her outstanding rent was \$1509 thus the relief would not have alleviated the emergency. ERM 303 page 6.

DECISION AND ORDER

This Administrative Law Judge decides that the Department was correct in the denial of SER benefits, and it is ORDERED that the Department's decision in this regard be and is, hereby, AFFIRMED.



Lynn M. Ferris  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: 06/28/10

Date Mailed: 07/01/10

**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.

LMF/dj

2009-13591/LMF

cc:

