

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: 2009-3608
Issue No: 5026
Case No: [REDACTED]
Load No: [REDACTED]
April 13, 2010
Kent County DHS

ADMINISTRATIVE LAW JUDGE: Jana A. Bachman

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37 upon request for a hearing. After due notice, telephone hearing was held on April 13, 2010.

ISSUE

Whether the Department of Human Services (department) acted in compliance with department policy when it determined claimant's eligibility 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 as material fact:

(1) On or about October 2, 2008, claimant applied for SER to pay for back rent as he was being evicted due to nonpayment of rent. Claimant listed [REDACTED] income and assets. Department A, pages 1-3. At hearing claimant testified that the information on his application was accurate.

(2) October 13, 2008, the department prepared an SER eligibility determination that revealed claimant to be ineligible because he did not have sufficient income to pay his rent should the department pay his back rent (housing was not affordable). Department A, pages 6-7.

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).

Department manuals provide the following policy statements and instructions for caseworkers:

Housing affordability is a condition of eligibility for State Emergency Relief (SER) and applies only to Relocation Services ([Emergency Relief Manual \(ERM\) 303](#)) and Home Ownership Services and Home Repairs ([ERM 304](#)). Housing affordability does not apply to other SER services.

In this item, “total housing obligation” means the total amount the SER group must pay for rent, house payment, mobile home lot rent, property taxes and required insurance premiums. Renters can have a higher “total housing obligation” if heat, electricity and/or water/cooking gas are included.

Authorize SER for services only if the SER group has sufficient income to meet ongoing housing expenses. An SER group that cannot afford to pay their ongoing housing costs plus any utility obligations will not be able to retain their housing, even if SER is authorized.

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; MAC R400.7001 et seq.

Accept the decision of the SER group regarding use of the relocation funds authorized. The issuance amount must resolve the group's shelter emergency. Authorize any combination of the following services:

- First month's rent.
- Rent arrearage.

- Mobile home lot rent for owners or purchasers is a Home ownership service found in [ERM 304](#).
- Mobile home lot rent for renters is a relocation service covered by this Item.
- Security deposit (if required).
- Moving expenses (to relocate household effects).

ERM 303; MAC R400.7001 et seq.

In this case, claimant requested relocation services to pay rent arrearage. He had no income or assets and thus did not have income equal to or in excess of 75% of his housing obligation. Accordingly, claimant did not have sufficient income to meet his housing obligation and housing was not affordable under SER policy. As such, the department has met its burden of proof and its action to deny claimant's application must be upheld. Finding of Fact 1-2; ERM 207, 303.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly determined claimant's eligibility for State Emergency Relief.

Accordingly, the department's action is **HEREBY UPHELD**.

_____/S/_____
Jana A. Bachman
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: April 22, 2010

Date Mailed: April 22, 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 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.

JAB/db

cc:

