

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Oakland

Reg
Issue
Case
Hearing

No: 2010 11437
No: 5026,5013,5008
No: [REDACTED]
Date: [REDACTED]

County DHS (03)

ADMINISTRATIVE LAW JUDGE: [REDACTED]

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 [REDACTED]. The Claimant appeared and testified. [REDACTED] Assistant Payments Supervisor appeared on behalf of the Department.

ISSUE

Was the Department correct in denying Claimant's SER application because the SER request was over 30 days old, the verification checklist deadline had passed, and the emergency had been resolved?

FINDINGS OF FACT

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

1. The Claimant filed an application for State Emergency Relief for housing relocation assistance. The application was filed on or about [REDACTED]. [REDACTED]. Claimant Exhibit 1, Shelter Verification, [REDACTED].

2. The Claimant provided the requested shelter verification to the Department on [REDACTED] via fax, which was prior to the application denial, but after the [REDACTED] due date. Claimant Exhibit 1
3. The Department denied the SER application on [REDACTED] for the following reasons: denied Emergency request over 30 days old; past verification deadline/emergency resolved/ moved in. Claimant Exhibit 2
4. The Claimant moved into housing at his current address, [REDACTED] [REDACTED] on [REDACTED] [REDACTED] the claimant supplied the Department with a second shelter verification with regard to that address and did not receive a response. Claimant Exhibit 3
5. The Department was unable to locate the Claimant's SER file for the hearing. The Claimant's caseworker who denied the application has since retired.
6. The Claimant provided the first shelter verification after the verification checklist due date for an address he intended to rent. After the Claimant provided the verification, the landlord decided to no longer rent to the Claimant and notified the Claimant's caseworker
7. The Claimant informed his then caseworker about the situation and was told to find another place to live. The Claimant found a new place to live and faxed the shelter verification to the Department on [REDACTED] Claimant Exhibit 3
8. The claimant testified that the relocation expenses which he applied for originally were never paid to his current landlord and are still owed.

9. The Claimant requested a hearing on [REDACTED] which did not specify the reason for the hearing but it was as a result of the [REDACTED] SER application being denied. The hearing request regarding the SER denial was timely.

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 and complete the required verifications which are requested by the Department.

Based on the record as a whole, the Department did sustain the burden of proof to show that the SER application was properly denied and in accordance with policy.

The first basis for the denial of the SER request, for the reason that it was over 30 days old, is not a proper basis for the denial of the SER application. SER applications cannot be denied using the standard of promptness as a basis. ERM 103, page 5.

The second basis for the denial, past verification deadline, was a valid reason for the denial of the application. The claimant had been given time beyond the [REDACTED] verification due date to submit the first shelter verification which he submitted on [REDACTED]. After the submission of the first shelter verification, the shelter the Claimant sought to move into was no longer available and the Department denied the application. The Department is entitled to deny an application when the shelter verification submitted is not longer valid and the due date has passed. ERM 102, Exhibit 1

Lastly, the final basis the SER application was denied, "Emergency resolved, moved in" is not supported by the record or the testimony of the Claimant. The Claimant had not moved into the new apartment on [REDACTED] the date the application was denied, however, the Claimant moved into a new home on [REDACTED] and resolved the emergency as the Claimant was no longer homeless. The Department's denial of the application for the reason that the emergency was resolved, while incorrect date wise, is not clear error, as there is a valid basis for the denial of the SER application that the verification deadline had passed. Because the Claimant did not reapply after receiving the denial of his SER application, the Department was not required to respond to the second shelter verification filed on [REDACTED]

Based upon the foregoing record and the testimony of the witnesses, it must be determined that the Department did properly deny the Claimant's SER application, and therefore, its Decision Notice of [REDACTED] correct and must be affirmed.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department's Decision Notice dated [REDACTED]

which denied the Claimant's application for SER, was correct as the verification deadline had passed and was in accordance with Department policy; and therefore, the Department's denial of the Claimant's SER application is AFFIRMED.

Administrative
for
Department



Law Judge
Ismael Ahmed, Director
of Human Services

Date Signed: 04/26/11

Date Mailed: 04/27/11

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

cc: 
Oakland County DHS (Dist #03)



Administrative Hearings