

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: 2010-26547
Issue No: 5032
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
August 19, 2010
Washtenaw County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on August 12, 2009. After due notice, a telephone hearing was held on Thursday, August 19, 2010.

ISSUE

Whether the Department of Human Services (Department) properly determined the Claimant's State Emergency Relief (SER) eligibility?

FINDINGS OF FACT

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

- (1) The Claimant applied for SER for housing assistance on July 28, 2009.
- (2) The Department denied the Claimant's SER application on August 6, 2009, because the Claimant did not provide necessary verification documents.

(3) On August 12, the Department received the Claimant's request for a hearing, protesting the denial of his 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. Family Independence Agency (FIA or agency) policies are found in the State Emergency Relief Manual (SER).

State Emergency Relief (SER) assists individuals and families to resolve or prevent homelessness by providing money for rent, security deposits, and moving expenses. ERM 303. The Department must verify the SER applicant's homelessness or potential homelessness from an eviction order or court summons regarding eviction. A demand for possession non-payment of rent or a notice to quit is not sufficient. ERM 303.

The Claimant submitted a SER application on July 28, 2009. On August 6, 2009, the Department denied the Claimant's SER application for lack of verification documents supporting the Claimant's potential homelessness. The Claimant did not submit any documentation of his pending eviction until August 10, 2009.

The Claimant argued that the Department could have verified the pending eviction by placing a phone call to his landlord.

The Department's policy does not permit it to verify an eviction proceeding through informal means. Furthermore, Emergency Relief Manual Item 103 requires the Department to determine an applicant's eligibility for SER benefits within 10 days of receiving the application.

The Claimant's SER application was denied 10 days after it was submitted due to missing verification documents.

Based on the evidence and testimony available at the hearing, the Department has established that it acted in accordance when it denied the Claimant's SER application on August 6, 2009.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department acted in accordance with policy in determining the Claimant's SER eligibility.

The Department's SER eligibility determination is AFFIRMED. It is SO ORDERED.

/s/ _____
Kevin Scully
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: August 27, 2010

Date Mailed: August 30, 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 60 days of the filing of the original request.

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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.

KS/vc

cc:

