

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: 2010-31095  
Issue No: 5026; 5030  
Case No: [REDACTED]  
Load No: [REDACTED]  
Hearing Date:  
August 24, 2010  
Delta County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne L. Morris

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon claimant's request for a hearing. After due notice, a telephone hearing was held on August 24, 2010. The claimant personally appeared and provided testimony.

ISSUE

Did the department properly deny the claimant's State Emergency Relief (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. The claimant applied for SER with an eviction. The claimant requested rent and help with a security deposit. (Department Exhibit 1 – 5)
2. The claimant submitted a Judgment showing her mother was evicting her from the home. (Department Exhibit 7 - 10)

3. The claimant's new landlords informed the department worker that the claimant moved into the new house on January 1, 2010. (Department Exhibit 6)

4. The department denied the claimant's SER application on January 28, 2010 because the emergency had already been resolved. (Department Exhibit 11 – 14)

5. The claimant submitted a hearing request on February 1, 2010.

### 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 policy indicates:

#### **DEPARTMENT POLICY**

State Emergency Relief (SER) prevents serious harm to individuals and families. SER assists applicants with safe, decent, affordable housing and other essential needs when an emergency situation arises. ERM, Item 101, p. 1.

#### **RELOCATION SERVICES**

##### **DEPARTMENT POLICY**

SER assists individuals and families by providing money for rent, security deposits, and moving expenses. ERM, Item 303, p. 1.

##### **COVERED SERVICES**

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, Item 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, Item 303, p. 1.

### **ELIGIBILITY REQUIREMENTS**

Authorize relocation services only if one of the following circumstances exists and all other SER criteria are met:

- . The SER group is homeless, living in a shelter, a car, a transitional facility or on the street. A group living with friends or relatives is not homeless, even if the arrangement is temporary unless one of the situations below exists.
  - .. The group is living temporarily with other persons following a fire or natural disaster that occurred not more than 60 days before the date the group files an application for SER.
  - .. The group is living with other persons to escape a domestic violence situation.
- . A court summons, order, or judgment was issued which will result in the SER group becoming homeless.
- . The SER group needs adequate housing to avoid a foster care placement or before a child or children can come home from foster care.
- . An DHS services worker or DHS specialist, with supervisory approval, determines the family must be relocated from unsafe housing for the protection of the children.
- . The SER group receives final written notice to vacate condemned housing from a local public agency authorized to issue such an order.

- The energy MDT (Multi-Disciplinary Team) has identified the group as living in high energy housing that cannot be rehabilitated. ERM, Item 303, pp. 1-2.

On December 30, 2009, the claimant submitted an SER application for assistance with relocation expenses, specifically rent and a security deposit. The claimant submitted documentation to show that her mother was evicting her from the home. The claimant also submitted information on the new address where she was going to rent and the landlords. When the department called the landlord on January 27, 2010, the individual told the department worker that the claimant had moved into the new address on January 1, 2010.

Department policy indicates that SER assists applicants with safe, decent, affordable housing and other essential needs when an emergency situation arises. ERM 101. Policy requires the claimant to meet one of the criteria specified in ERM 303 to be eligible for relocation services. The claimant was not eligible for relocation services because she had resolved her own emergency and was not homeless.

The claimant disputes that she moved into the new location on January 1, 2010. The claimant testified that she signed the lease on January 3, 2010 and didn't move in until January 7, 2010. It is not clear why the landlords would indicate the claimant moved in on January 1, 2010. However, the claimant admits that she paid for the utilities and security deposit and paid her mother the money she owed her. The claimant indicates in her hearing request that she was able to be in the new home by January 2, 2010. Therefore, when the department processed the case (which was admittedly beyond the standard of promptness), the claimant's emergency was resolved. However, even if the department had complied with the standard of promptness, the claimant's emergency was already resolved. Thus, the claimant was not homeless and the SER request was appropriately denied.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly denied the claimant's SER request.

Accordingly, the department's decision is UPHELD. SO ORDERED.

/S/  
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Suzanne L. Morris  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: September 28, 2010

Date Mailed: September 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 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.

SLM 

cc: 