

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

IN THE MATTER OF:



Reg. No: 2010-33140
Issue No: 5008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
October 19, 2010
Wayne 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 October 19, 2010. The claimant appeared and provided testimony.

ISSUE

Did the department properly deny the claimant's State Emergency Relief (SER) in January, 2010?

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 assistance with an eviction.
2. On January 29, 2010, the department mailed the claimant a State Emergency Relief Decision Notice (DHS-1419), denying the claimant's application for failure to verify information. (Department Exhibit 1 – 2)
3. The claimant submitted a hearing request on February 4, 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 states:

RELOCATION SERVICES

DEPARTMENT POLICY

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

REQUIRED PAYMENTS

Evaluate the payment history for the preceding six-month period to determine the required payment criteria. Required payments are actual shelter costs or required energy and/or utility payments as outlined in ERM 301 and ERM 302.

Note: Previously issued SER funds cannot be used to make required payments. Contributions from any other source can count toward required payment amounts. Refer to ERM 103, DHS-1419, Decision Notice regarding timeframes allowed for the client to make the copays or shortfalls when all other eligibility criteria are met. ERM, Item 204, p. 1.

GOOD CAUSE

Good cause may exist as a basis for an applicant's failure to prevent an emergency.

Establish good cause for the following services:

- . Relocation services
- . Home ownership services (except property taxes)
- . Energy services
- . Utility services

Good Cause -- Failure to Meet Obligations

Good cause for failure to meet obligations for shelter, energy, or utilities exists if:

- . The SER group's net countable income from all sources during each month the group failed to pay

shelter/energy/utility obligations was less than the amount shown for the SER group size in the "Good Cause" table below, and

- . The income was not reduced by a disqualification of SSI or department benefits for failure to comply with a program requirement.

Note: This includes income of people who were in the group during the required payment period.

OR

Good Cause - Unexpected Expenses

- . The emergency resulted from unexpected expenses related to maintaining or securing employment. Verify expenses for each month the group failed to pay shelter/energy/utility obligations. The employment-related expenses must equal or exceed the monthly shelter/energy/utility obligation. Payment differences are the responsibility of the SER group. ERM, Item 204, pp. 1-2.

Housing Affordability

Determine whether the SER group's rental housing is affordable. Approve SER for relocation services only if the group's rental obligation meets the criteria for housing affordability specified in Item 207. ERM, Item 303, p. 2.

Required Payments

Determine whether the SER group had good cause for non-payment of their shelter obligation during the last six months, regardless of the reason they are in need. See Item 204.

Example: A group in a homeless shelter or homeless due to a fire must have met required payments.

Note: In cases where the group is residing in a homeless shelter, and there are extenuating circumstances, an exception request may be made to Family Support Services, Income Support Programs. See PEM 100. ERM, Item 303, p. 2.

The claimant is disputing the denial of her SER application. The department testified that the claimant's application was denied because she did not turn in any proof of payments made on her rent for the six months prior to the application. The department testified that a Verification Checklist, requiring her to submit proof of the payments. The claimant testified that she did not know she had to submit proof of her prior payments, but that she had a ledger statement from her management company to submit as evidence.

This Administrative Law Judge requested the department to fax this Judge the claimant's ledger statement, the Verification Checklist that was mailed to the claimant and the actual SER application, as these items had not been included in the hearing packet. This Administrative Law Judge did not receive the requested material. The department worker was emailed on November 19, 2010, again requesting the information. To date, no documentation or response has been received. Thus, the department has failed its burden to show that they properly processed the claimant's application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department has not shown that they properly denied the claimant's State Emergency Relief (SER) in January, 2010.

Accordingly, the department's action is REVERSED. The department shall reprocess the claimant's SER application, issuing the claimant written notice of the new decision.

SO ORDERED.

Suzanne

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

Date Signed: January 11, 2011

Date Mailed: January 11, 2011

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.

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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/alc

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