

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.: 201034452
Issue No.: 5026
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: October 14, 2010
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 October 14, 2010. The Claimant appeared and testified. [REDACTED], FIM and [REDACTED], FIS appeared on behalf of the Department.

ISSUE

Was the Department correct in determining Claimant's State Emergency Relief 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) Claimant applied for SER benefits on November 30, 2009.
- (2) Claimant's application for SER was denied on December 14, 2009 because shelter was not affordable.
- (3) Claimant receives \$467.40 in FIP benefits.
- (4) Claimant's rent is \$400 per month and she is responsible for all utilities except water.
- (5) Claimant requested a hearing on February 22, 2010 contesting the denial of SER benefits.

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.

Department policy defines affordability: 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.

In the present case, Claimant receives \$467 in FIP benefits. Claimant’s monthly rent was \$400 and she is responsible for all utilities except water. Claimant’s total housing obligation exceeds Claimant’s net countable income. ERM 207. Therefore the Department’s denial of State Emergency Relief due to lack of affordability is proper and correct.

DECISION AND ORDER

This Administrative Law Judge decides that the Department was correct in the denial of SER benefits, and it is ORDERED that the Department’s decision in this regard be and is hereby AFFIRMED.

/s/



Aaron McClintic
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: October 21, 2010

Date Mailed: October 21, 2010

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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.

AM/hw

cc:

