

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: 201040253  
Issue No: 5032  
Case No: [REDACTED]  
Load No: [REDACTED]  
Hearing Date:  
August 25, 2010  
Kalamazoo 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 March 1, 2010. After due notice, a telephone hearing was held on Wednesday, August 25, 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 benefits on February 12, 2010. Department Exhibit 10 – 14.
2. The Department denied the Claimant's SER application on February 19, 2010, for lack of an emergency. Department Exhibit 3.
3. The Department received the Claimant's request for a hearing on March 1, 2010, protesting the Department's denial of her 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. Relocation services under SER may include:

- First month's rent.
- Rent arrearage.
- Security deposit (if required).
- Moving expenses (to relocate household effects).

Relocation services are available to a group that is homeless. A group living with friends or relatives is not homeless, even if the arrangement is temporary unless the group is living temporarily with other persons to escape a domestic violence situation. ERM 303.

The Claimant submitted a SER application on February 12, 2010. The Claimant told her caseworker that during the application process she was living with her mother. The Department denied the Claimant's SER application on February 19, 2010, because the Claimant was not homeless and therefore did not have an emergency.

The Claimant argued that she was homeless. The Claimant testified that she had her mail forwarded to her mother's address, and that she stayed there temporarily until space in a shelter became available. The Claimant testified that her living situation had become unstable due to a domestic violence situation, and that she needed relocation services to provide for the safety of her son.

The Department testified that the Claimant provided a utility bill along with her SER application, which was addressed to her mother's address. The Department argued that this was evidence that the Claimant was not homeless.

The Claimant testified that this utility bill was a final bill from her previous residence, which she had forwarded to her mother's address and was able to receive her mail.

The Department did not address whether it was necessary for the Claimant to escape a domestic violence situation. Therefore, the Department has not established that the Claimant was not homeless when she submitted an SER application.

**DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department failed to establish that the Claimant did not have an emergency when it denied her SER application.

Accordingly, the Department's SER eligibility determination is REVERSED. It is further ORDERED that the Department shall:

1. Initiate a determination of the whether it was necessary for the Claimant to escape a domestic violence situation.
2. If the Department determines that it was necessary for the Claimant to escape a domestic violence situation, then inidiate a determination of the Claimant's eligibility for SER as of her application date of February 12, 2010.
3. Provide the Claimant with written notification of the Department's revised eligibility determination.
4. Issue the Claimant any retroactive benefits she may be eligible to receive, if any.

/s/

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

Date Signed: September 10, 2010

Date Mailed: September 13, 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.

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

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