

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

IN THE MATTER OF:



Reg. No.: 201050895
Issue No.: 5032
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: November 24, 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 November 24, 2010. The Claimant appeared and testified. [REDACTED], FIS appeared on behalf of the Department.

ISSUE

Was the Department correct in denying Claimant's SER application?

FINDINGS OF FACT

- (1) Claimant applied for SER benefits in July 2010.
- (2) Claimant did not provide verification from her prospective landlord.
- (3) Claimant's application for SER was denied on July 26, 2010 because shelter was not affordable.
- (4) Claimant requested a hearing on July 29, 2010 contesting the 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. The Department of Human Services' [formally known as the Family Independence Agency] policies are found in the State Emergency Relief Manual ("ERM").

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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. In order to receive benefits for relocation services applicant's must show they are homeless or potentially homeless. ERM 303 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.

SHELTER VERIFICATION Before relocation services can be approved for families with children under the age of six, a DHS-3688, Shelter Verification form, with a revision date of November 2007 or later, is required. The shelter provider is required to complete and sign the DHS-3688. If the shelter unit is not lead-paint safe, payment for relocation services for that residence may not be approved. The signed DHS-3688 is only required when a family, with a child under the age of six, has requested relocation services to move into a new residence. An updated form is not required for relocation services (rent to prevent eviction) for the current residence. ERM 303.

In the present case, Claimant's application was denied because shelter was not affordable. The amount in the judgment was too high. This was incorrect because Claimant was seeking relocation assistance and the amount of the judgment was irrelevant. However, certain documentation is required for relocation services. ERM 303. Claimant conceded at hearing that she did not provide rental agreement and shelter verification for the prospective landlord. Therefore, the Department correctly determined that Claimant is not eligible for relocation services through the State Emergency Relief program because she did not provide the requisite information regarding her prospective landlord. ERM 303.

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.



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

Date Signed: December 2, 2010

Date Mailed: December 2, 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.

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