

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: 2010-54338

Issue No: 5026

[REDACTED]

Hearing Date:

November 1, 2010

Genesee 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 November 1, 2010. The claimant personally appeared and provided testimony. [REDACTED] appeared on behalf of the department.

ISSUE

Did the department properly deny the claimant's State Emergency Relief (SER) application in August, 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. On August 13, the claimant applied for SER assistance with relocation expenses of [REDACTED] for a security deposit and [REDACTED] for the first month of rent expense.
2. The claimant had received FIP in the amount of [REDACTED] monthly. (Department Exhibit 1)
3. The claimant's rent obligation had been \$415 monthly. (Department Exhibit 1)

4. The claimant's previous six month rent obligation was [REDACTED]. The claimant paid a total of [REDACTED] toward her rent obligation. This left a shortfall [REDACTED] (Department Exhibit 1)
5. The claimant was mailed a SER Decision Notice (DHS-1419) on August 17, 2010, denying her request for SER because her shortfall amount was equal or greater than her amount needed to resolve the emergency. (Department Exhibit 2)
6. The claimant submitted a hearing request on August 31, 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.

Requirements

Residence in the State of Michigan is not required. SER serves all persons physically present in Michigan. In addition, SER applicants must:

- . Complete the application process
- . Meet financial and non-financial requirements
- . Have an emergency which threatens health or safety and can be resolved through issuance of SER
- . Take action within their ability to help themselves, i.e., obtain potential resources and/or apply for assistance
- . Not have caused the emergency (ERM, 204, Client-Caused Emergency)

- . Cooperate in providing information about income, assets, living arrangements, and other persons living in the home

Deny SER services for applicants who fail to meet any of the above requirements. ERM, Item 101, p. 1.

CLIENT-CAUSED EMERGENCIES

DEPARTMENT POLICY

SER does not assist a group who failed to use their available money to prevent a shelter, energy or utility emergency. A client-caused emergency is when an SER group fails to pay required payments for the six-month period prior to the month of application. ERM, Item 204, 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.

GOOD CAUSE DETERMINATION TABLE

SER Group Size	Good Cause Amount
1	\$225
2	\$240
3	\$255
4	\$270
5	\$285
6	\$300

Groups larger than 6 persons: Add \$15 for each additional person to the “group size 6” amount shown in the table. ERM, Item 204, p. 2.

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.

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 BEM 100. ERM, Item 303, p. 2.

In this case, the claimant is disputing the department's denial of her SER application for relocation services. The claimant requested [REDACTED] for a security deposit and [REDACTED] for the first month of rent.

Department policy indicates that SER will not be approved for a group that failed to use their available money to prevent a shelter emergency. ERM 204. A client-caused emergency is when an SER group fails to pay required payments for the six-month

period prior to the month of application. ERM 204. Required payments are the actual shelter costs. ERM 204.

The claimant's six-month history of shelter costs and rent payments show that the claimant did not make the required payments to receive SER assistance. The claimant had a rent obligation of [REDACTED]. While the department indicates that the total rent obligation was [REDACTED] for the preceding six months, it was actually [REDACTED]. The claimant had not made a rent payment since April, 2010. The claimant had paid [REDACTED] 5 toward her rent obligation. While the department found a shortfall of [REDACTED] the shortfall was actually [REDACTED] which exceeds the claimant's amount requested for assistance.

The claimant does not meet any good cause factors as her monthly income was not less than the "good cause amount" for her group size [REDACTED]). Nor did the emergency result from unexpected employment expenses, so the claimant does not have good cause for the shortfall.

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 State Emergency Relief (SER) application in August, 2010.

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

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

Date Signed: 11/22/2010

Date Mailed: 11/22/2010

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.

[REDACTED]

[REDACTED]

[REDACTED]