

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

IN THE MATTER OF:



Reg. No.: 201054484
Issue No.: 5032
Case No.:
Load No.:
Hearing Date: December 6, 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 December 6, 2010. The Claimant appeared and testified. , FIM appeared on behalf of the Department.

ISSUE

Was the Department correct in denying Claimant's State Emergency Relief application?

FINDINGS OF FACT

- (1) Claimant applied for SER benefits on August 25, 2010.
- (2) Claimant's application for SER was denied on August 28, 2010 because she did not have sufficient income to meet ongoing housing expenses, and she did not present a court ordered eviction.
- (3) Claimant has no income.
- (4) Claimant has rental obligation.
- (5) Claimant did not present a court ordered eviction with her application.
- (6) Claimant requested a hearing on September 8, 2010 contesting the denial of his SER application.

CONCLUSIONS OF LAW

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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' [formerly 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. 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).

In the present case, Claimant has no income to meet her housing obligation. Therefore, the Department correctly determined that Claimant is not eligible for relocation services through the State Emergency Relief program because she does not have sufficient income to meet ongoing housing expenses. (ERM 207). Claimant also failed to present a court ordered eviction with her application. Claimant testified that because she resided in a treatment facility, a court ordered eviction was not necessary to put her out. Department policy still would require a court ordered eviction. (ERM 207).

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 10, 2010

Date Mailed: December 10, 2010

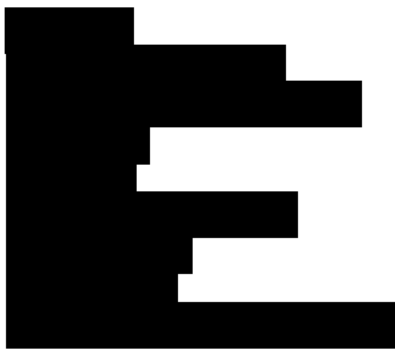
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NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration 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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