

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED],
Claimant

Reg. No: 20106188
Issue No: 5012
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
March 10, 2010
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Robert J. Chavez

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 hearing was held on March 10, 2010.

ISSUE

Was the claimant's application for SER funds properly denied?

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 shelter funds in October, 2009.
- (2) Claimant's application was denied in December, 2009 for failing the affordability test.
- (3) Claimant's rent at the time of application was \$700.
- (4) Claimant's income at the time of application was \$400.

- (5) On October 22, 2009, claimant requested a hearing on the matter; claimant also requested a hearing into Departmental actions into several other programs, but these actions were remedied to the claimant's satisfaction prior to the hearing.
- (6) At the time of the hearing request, claimant's SER application had not been processed but was processed prior to the hearing.

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 (ERM).

Housing affordability is a condition of eligibility for State Emergency Relief (SER). A claimant is only authorized for SER services only if the SER group has sufficient income to meet ongoing housing expenses. An SER group that cannot afford to pay their ongoing housing costs plus any utility obligations will not be able to retain their housing, even if SER is authorized. ERM 207. SER is to be denied 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 current case, claimant's only income was \$403 from a FIP grant. Claimant did not dispute this number. Claimant's rent was \$700, which claimant also did not dispute. \$700 exceeds 75% of \$403. Therefore, claimant's housing was not affordable and SER was correctly denied.

While claimant requested, in her hearing request, an examination of other issues involving FAP, FIP, and MA, these issues were resolved to claimant's satisfaction prior to the hearing and are therefore moot.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department's decision to refuse payment of claimant's SER funds for failing to be affordable was correct.

Accordingly, the Department's decision in the above stated matter is, hereby, AFFIRMED.



Robert J. Chavez
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 06/15/10

Date Mailed: 06/18/10

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.

RJC/dj

cc:

