

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: 2010-8158
Issue No: 5012
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
July 27, 2010
Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne L. Keegstra

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 July 27, 2010. The claimant personally appeared and provided testimony.

ISSUE

Did the department properly deny the claimant's State Emergency Relief (SER) application in September, 2009?

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 with an eviction on August 27, 2009. (Department Exhibit 1)
2. The claimant provided a copy of the judgment on or about September 3, 2009. (Department Exhibit 4)

3. The claimant owed \$785.44 in back rent. (Department Exhibit 6)
4. When the rent amount and the claimant's income were budgeted, the housing was not affordable. (Department Exhibit 7 – 9)
5. On September 14, 2009, the claimant was mailed a SER Decision Notice (DHS-1419) that denied the application because the housing was not affordable. (Department Exhibit 3)
6. The claimant submitted a hearing request on September 15, 2009.

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 states:

EXCLUDED INCOME

Do not count or verify income from the following sources:

- . Income of non-responsible group members in burial cases
- . Reimbursement of Medicare premiums
- . Income in kind (not in the form of cash)
- . Earned income of a dependent child under age 21 if: the income is deposited directly into a separate account intended for further education and not commingled with any other money **and** the account is in the dependent child's name.
- . Michigan Homestead Property Tax Credit and Home Heating Credit

- . Earned Income Credit
- . All services program benefits paid by the department on behalf of an SER group member (e.g., foster care payments and adoption subsidies)
- . Income of the SER applicant's spouse when the applicant is in an emergency shelter as a victim of domestic violence
- . Reimbursement for past, current or future training-related, medical or volunteer expenses
- . Compensation awarded for a particular use (e.g., Victim's Compensation Award)
- . Disaster relief and housing assistance
- . Child care payments or allowances made by DHS
- . Educational benefits and scholarships
- . Michigan Department of Community Health family support subsidy payments
- . WIC program benefits
- . Title VII nutrition program for the elderly
- . LIHEAP energy assistance benefits
- . Child nutrition and school lunch benefits
- . Food stamp benefits. ERM, Item 206, pp. 2-3.

HOUSING AFFORDABILITY

DEPARTMENT POLICY

Housing affordability is a condition of eligibility for SER and applies only to Relocation Services (ERM 303) and Home Ownership Services and Home Repairs (ERM 304). Housing affordability does not apply to other SER services. ERM, Item 207, p. 1.

Requirements

In this item, “total housing obligation” means the total amount the SER group must pay for rent, house payment, mobile home lot rent, property taxes and required insurance premiums. Renters can have a higher “total housing obligation” if heat, electricity and/or water/cooking gas are included.

Authorize SER for 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.

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, Item 207, p. 1.

In this case, the claimant is disputing the department’s action in denying her SER application for help with an eviction. The department points out that the claimant did not meet the policy criteria for assistance because her housing was not affordable.

Department policy indicates that the department can only authorize SER for services if the SER group has sufficient income to meet ongoing housing expenses. ERM 207. The claimant admits that she lost a job the month before applying for the SER services. Therefore, this income was not includable in the SER budget. The claimant testified that she had been paying her rent from income in the form of educational grants and also by pawning some of her personal items. However, educational benefits and scholarships are excluded income according to department policy. ERM 206. Further, any income received from pawning personal items can not be counted as it is not regular, recurring income. Thus, the department properly found the claimant’s housing request was not affordable at the time of the application.

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 September, 2009 as her housing was not affordable according to department policy.

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


/S/
Suzanne L. Keegstra
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: August 25, 2010

Date Mailed: August 26, 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.

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