

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

IN THE MATTER OF:



Reg. No.: 2010-9082
Issue No.: 5032
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: September 15, 2010
Wayne County DHS (17)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

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 September. The claimant appeared and testified.

ISSUE

Did the Department properly deny the Claimant's State Emergency Services (SER) application?

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 October 9, 2009, the claimant applied for SER for a shelter emergency.
2. On October 19, 2009, the department denied the SER application because the claimant's income was insufficient to pay their ongoing housing costs.
3. On October 19, 2009, the Claimant filed a request for a 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-

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7049. Department of Human Services (formerly known as the Family Independence Agency) policies are found in the State Emergency Relief Manual (SER).

In the instant case the department claims to have denied the SER application because the claimant had insufficient income to pay her ongoing housing costs.

The record shows that the claimant's income was reduced to \$0.00.

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, p. 1)

However, the claimant provided the department with documentation from the Michigan State Housing Development Authority (MSHDA) that showed MSHDA's intention to fully pay the claimant's rent beginning November 1, 2009. This document was provided to the department on October 19, 2009, the day the department denied the claimant's application. (Claimant's exhibit 1)

This ALJ finds that the department was incorrect in denying the claimant's SER application because she provided proof of her ability to meet her ongoing housing obligation.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, REVERSES AND ORDERS the department to reevaluate the claimant's October 9, 2009, SER application in light of the MSHDA commitment and replace lost benefits.



Michael J. Bennane
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: 10/04/2010

Date Mailed: 10/04/2010

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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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