

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.: 201010244
Issue No.: 5026
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: July 26, 2010
Wayne County DHS (55)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

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 conducted from Detroit, Michigan on Monday, July 26, 2010. The Claimant appeared and testified. The Claimant's authorized representative, [REDACTED], appeared and testified. [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department properly denied the Claimant's application based upon the Housing Affordability requirement?

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 submitted an Application for State Emergency Relief ("SER") on June 8, 2009 and October 19, 2009 seeking shelter relocation assistance to include a past due electricity and heat balance. (Exhibit 1, pp. 31- 36; 40 - 46)
2. The Claimant's prior utility service was terminated in 2005 resulting in a past due balance for non-heat electricity of \$2,035.20 and a past due heat balance of \$2,546.69. (Exhibit 1, pp. 31, 39)
3. The Claimant submitted a shelter verification showing a security deposit of \$1,000.00 and a monthly rental obligation of \$500.00. (Exhibit 1, pp. 28 – 30)

4. The Claimant was not employed but submitted employment verifications from 2006. (Exhibit 1, pp. 37, 38)
5. The Claimant was unable to submit a request for service due to his past due balances. (Exhibit 1, p. 39)
6. The Claimant is homeless and lives in an abandoned home.
7. On October 26, 2009, the Department denied the Claimant's SER application based on affordability factors. (Exhibit 1, pp. 24, 25)

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' (formerly known as the Family Independence Agency) policies are found in the State Emergency Relief Manual ("SER").

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 All countable earned and unearned income is used to determine the group's financial eligibility. ERM 206 Housing affordability is a condition of eligibility for SER and applies only to Relocation Services and Home Ownership Services and Repairs. ERM 207; ERM 304 To determine a group's maximum total housing obligation, a group's total net countable income is multiplied by 75%. ERM 207 The maximum total housing obligation cannot exceed a group's total net countable income. ERM 207 The SER budget is used to calculate and certify eligibility or ineligibility for each SER application. ERM 208 An SER application is denied if the group does not have sufficient income to meet the total housing obligation. ERM 207

In this case, the Claimant is/was not employed thus has/had no means to pay for any shelter obligation. SER eligibility requires that an individual/group be able to afford the shelter. Because the Claimant was unable to afford the monthly shelter obligation the request was properly denied. As such, there was no emergency regarding the past due utility balance(s). In light of the foregoing, it is found that the Department established it acted in accordance with department policy when it denied the Claimant's SER application based on affordability factors. Accordingly, the Department's determination is AFFIRMED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law finds the Department established it acted in accordance with department policy when it denied the Claimant's SER application.

Accordingly, it is ORDERED:

The Department's determination is AFFIRMED.

Colleen M. Mamelka

Colleen M. Mamelka
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: 08/02/2010

Date Mailed: 08/02/2010

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.

CMM/jlg

cc:

