

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: 2010-11735

Issue No: 2006; 3008;
6019

Case No:

Load No:

Hearing Date:

January 25, 2010

Oakland County DHS

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

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 January 25, 2009. Claimant appeared and testified.

ISSUE

Did the Department of Human Services (Department) properly process Claimant's request for housing assistance under the SER program?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as a material fact:

1. On September 25, 2009, Claimant applied for assistance with housing.
2. On October 5, 2009, the Department denied the SER
3. On October 6, 2009, the Claimant filed a request for hearing.

4. On October 8, 2009, the Department discovered the Claimant was not in non-cooperation with child support.

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).

Under Program Administrative Manual Item 600, clients have the right to contest any agency decision affecting eligibility or benefit levels whenever they believe the decision is illegal. The agency provides an Administrative Hearing to review the decision and determine if it is appropriate. Agency policy includes procedures to meet the minimal requirements for a fair hearing. Efforts to clarify and resolve the client's concerns start when the agency receives a hearing request and continues through the day of the hearing.

In the present case, the Claimant applied for assistance with housing. The Department denied the Claimant's application based upon a child support sanction. After the denial, the Department discovered the Claimant was not in non-cooperation with child support and her case was not in sanction. This Administrative Law Judge must determine whether or not, at the time of the Department's action, the Claimant was properly denied for SER. As a result of the Department's error, the Claimant was forced to seek assistance in the form of a loan from her church to cover the costs. The Claimant is now attempting to pay this loan and cover her housing expenses and is likely to end up in the near future with an eviction as a result of the Department's error. The Department is asserting the Claimant resolved the emergency and is no

longer eligible for SER. No evidence was submitted that the Claimant had remedied the emergency prior to the Department's denial. It appears the Claimant acted after the denial of her SER application.

Relevant policy can be found in ERM manual Item 303, p. 1-2.:

Authorize relocation services only if one of the following circumstances exists and all other SER criteria are met:

- The SER group is homeless, living in a shelter, a car, a transitional facility or on the street. A group living with friends or relatives is not homeless, even if the arrangement is temporary unless one of the situations below exists.
- The group is living temporarily with other persons following a fire or natural disaster that occurred not more than 60 days before the date the group files an application for SER.
- The group is living with other persons to escape a domestic violence situation.
- A court summons, order, or judgment was issued which will result in the SER group's becoming homeless.
- The SER group needs adequate housing to avoid a foster care placement or before a child or children can come home from foster care.
- A DHS services worker or DHS specialist, with supervisory approval, determines the family must be relocated from unsafe housing for the protection of the children.
- The SER group receives final written notice to vacate condemned housing from a local public agency authorized to issue such an order. The energy MDT (multi-disciplinary team) has identified the group as living in high energy housing that cannot be rehabilitated.

Relevant policy can be found in ERM manual Item 101, p. 1:

State Emergency Relief (SER) prevents serious harm to individuals and families. SER assists applicants with safe, decent, affordable housing and other essential needs when an emergency situation arises.

Requirements

Residence in the state of Michigan is not required. SER serves all persons physically present in Michigan. In addition SER applicants must:

- Complete the application process.
- Meet financial and non-financial requirements.
- Have an emergency which threatens health or safety and can be resolved through issuance of SER.
- Take action within their ability to help themselves, i.e. obtain potential resources and/or apply for assistance.
- Not have caused the emergency ([ERM 204](#), Client-Caused Emergencies).

Cooperate in providing information about income, assets, living arrangements, and other persons living in the home.

Deny SER services for applicants who fail to meet any of the above requirements.

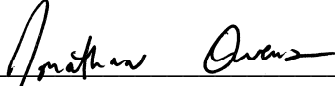
The Claimant had resolved the emergency by acquiring a loan from another resource to prevent homelessness. The Department did error in denying the SER application. Therefore, at the time of application, the Claimant did appear to have an emergency which would have been appropriate for SER services. The Department's error resulted in a loss of SER benefits the Claimant might be otherwise eligible. To now say the Claimant is ineligible for SER based upon her acquiring assistance from another resource when the Department improperly denied the SER application, would be inappropriate.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department of Human Services was not acting in compliance with Department policy when it denied Claimant's SER request.

Accordingly, the Department's decision is REVERSED, the Department is to re-process the Claimant's SER application dated September 25, 2009, and if found eligible for benefits,

issue SER funds. The Department must use the information presented at the time of application and not determined the Claimant ineligible based upon her acquiring funds elsewhere after the Department's original denial.



Jonathan W. Owens
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 03/23/10

Date Mailed: 03/24/10

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.

JWO/dj

cc:

