

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: 2010-27632

Issue No: 5032

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

August 19, 2010

Sanilac County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on January 22, 2010. After due notice, a telephone hearing was held on Thursday, August 19, 2010.

ISSUE

Whether the Department of Human Services (Department) properly determined the Claimant's State Emergency Relief (SER) eligibility?

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 benefits on December 15, 2009, for heat assistance and a security deposit.

(2) The Department approved the Claimant's SER application for heat assistance.

The Department denied the Claimant's SER application for a security deposit on December 17, 2009, because it determined that there was no housing emergency.

(3) The Department received the Claimant's request for a hearing on January 22, 2010, protesting the denial of her SER application for housing assistance.

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. Family Independence Agency (FIA or agency) policies are found in the State Emergency Relief Manual (SER).

State Emergency Relief (SER) assists individuals and families to resolve or prevent homelessness by providing money for rent, security deposits, and moving expenses. ERM 303. The issuance amount must resolve the group's shelter emergency. ERM 303.

Relocation services are available for SER applicant groups that are homeless. ERM 303. The definition of homeless includes:

- Persons living in an emergency shelter or motel, in HUD-funded transitional housing for homeless persons who originally came from the street, in a car on the street or in a place unfit for human habitation and there is no housing they can return to. Groups who voluntarily left their home, but can return without a threat to their health or safety, are not homeless.

- Persons exiting jail, prison, a juvenile facility, a hospital, a medical setting, foster care, a substance abuse facility or a mental health treatment setting with no plan or resources for housing and no housing to return to.
- Persons who meet the eligibility requirements for one of the following homeless assistance programs:
 - Homeless Assistance Recovery Program (HARP).
 - Transitional Supportive Housing Leasing Assistance Program (TSHLAP).
 - Transition In Place Leasing Assistance Program (TIPLAP).
 - Rapid Re-Housing Leasing Assistance.
 - Temporary Basic Rental Assistance (TBRA) funded by MSHDA.

The Claimant applied for SER assistance on December 15, 2009. The Claimant had requested assistance with a security deposit on the home she had leased. The Claimant submitted a lease signed November 24, 2009, as verification of the security deposit. Since the Claimant was living in the residence at the time she applied for SER, the Department denied the Claimant's request for assistance with the security deposit because she was no longer homeless.

The Claimant argued that she was homeless before signing the lease, and that she had submitted a previous SER application that the Department did not respond to.

Applicants to the SER program are required to take action within their ability to help themselves. ERM 101. Furthermore, SER assistance must resolve the applicant's emergency.

ERM 303. In this case, the Claimant was able to resolve her housing emergency without SER benefits. Therefore, the Department has established that it acted in accordance with policy when it denied the Claimant's application for SER benefits for the Security Deposit.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department acted in accordance with policy in determining the Claimant's SER eligibility.

The Department's SER eligibility determination is AFFIRMED. It is SO ORDERED.

/s/ _____
Kevin Scully
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: August 27, 2010

Date Mailed: August 30, 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 60 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt 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.

KS/vc

cc:

