

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

IN THE MATTER OF:



Reg. No.: 2010-30032
Issue No.: 5026
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: October 7, 2010
Macomb County DHS (12)

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 October 7, 2010. The claimant appeared and testified.

ISSUE

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

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 26, 2009, the claimant filed an application for SER rent.
2. On November 12, 2009, the department denied the claimant's SER rent application because the emergency had been resolved. (Department exhibit 3).
3. On January 19, 2010, 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 400.7001-400-7049. Department of Human Services (formerly known as the Family Independence Agency) policies are found in the State Emergency Relief Manual (SER).

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Here, the department first denied the claimant's SER application because the emergency had been resolved when the claimant began living with a friend.

ELIGIBILITY REQUIREMENTS

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

Homeless

The SER group is homeless. 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.

A person/family eligible for one of the above homeless assistance programs may be living with others temporarily, may no longer be in a shelter or may be in housing with the grant paying their rent. These are only temporary programs

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until a permanent housing voucher becomes available or the group is able to pay their own rent, whichever comes before 24 months.

A HUD transitional facility refers only to housing that has been acknowledged by HUD for assisting homeless persons who originally came from the street or an emergency shelter who need permanent housing but are waiting for placement. The group may be in a transitional facility for up to 24 months. A person eligible for HUD-funded permanent transitional housing is also considered homeless. (ERM 303, p.6).

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, AFFIRMS the Department's decision in the instant case.



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

Date Signed: 10/18/2010

Date Mailed: 10/18/2010

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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