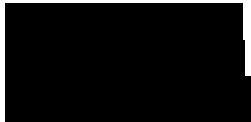


STATE OF MICHIGAN  
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No: 2010-33140  
Issue No: 5008  
Case No: [REDACTED]  
Load No: [REDACTED]  
Hearing Date:  
October 19, 2010  
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne L. Morris

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 telephone hearing was held on October 19, 2010. The claimant appeared and provided testimony.

ISSUE

Did the department properly deny the claimant's State Emergency Relief (SER) in January, 2010?

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 assistance with an eviction.
2. On January 29, 2010, the department mailed the claimant a State Emergency Relief Decision Notice (DHS-1419), denying the claimant's application for failure to verify information. (Department Exhibit 1 – 2)
3. The claimant submitted a hearing request on February 4, 2010.

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).

Department policy states:

## **RELOCATION SERVICES**

### **DEPARTMENT POLICY**

SER assists individuals and families by providing money for rent, security deposits, and moving expenses. ERM, Item 303, p. 1.

### **REQUIRED PAYMENTS**

Evaluate the payment history for the preceding six-month period to determine the required payment criteria. Required payments are actual shelter costs or required energy and/or utility payments as outlined in ERM 301 and ERM 302.

**Note:** Previously issued SER funds cannot be used to make required payments. Contributions from any other source can count toward required payment amounts. Refer to ERM 103, DHS-1419, Decision Notice regarding timeframes allowed for the client to make the copays or shortfalls when all other eligibility criteria are met. ERM, Item 204, p. 1.

### **GOOD CAUSE**

Good cause may exist as a basis for an applicant's failure to prevent an emergency.

Establish good cause for the following services:

- . Relocation services
- . Home ownership services (except property taxes)
- . Energy services
- . Utility services

### **Good Cause -- Failure to Meet Obligations**

Good cause for failure to meet obligations for shelter, energy, or utilities exists if:

- . The SER group's net countable income from all sources during each month the group failed to pay

shelter/energy/utility obligations was less than the amount shown for the SER group size in the "Good Cause" table below, and

- . The income was not reduced by a disqualification of SSI or department benefits for failure to comply with a program requirement.

**Note:** This includes income of people who were in the group during the required payment period.

OR

### **Good Cause - Unexpected Expenses**

- . The emergency resulted from unexpected expenses related to maintaining or securing employment. Verify expenses for each month the group failed to pay shelter/energy/utility obligations. The employment-related expenses must equal or exceed the monthly shelter/energy/utility obligation. Payment differences are the responsibility of the SER group. ERM, Item 204, pp. 1-2.

### **Housing Affordability**

Determine whether the SER group's rental housing is affordable. Approve SER for relocation services only if the group's rental obligation meets the criteria for housing affordability specified in Item 207. ERM, Item 303, p. 2.

### **Required Payments**

Determine whether the SER group had good cause for non-payment of their shelter obligation during the last six months, regardless of the reason they are in need. See Item 204.

**Example:** A group in a homeless shelter or homeless due to a fire must have met required payments.

**Note:** In cases where the group is residing in a homeless shelter, and there are extenuating circumstances, an exception request may be made to Family Support Services, Income Support Programs. See PEM 100. ERM, Item 303, p. 2.



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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.

SLM/alc

cc:

