

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.: 2010-41146
Issue No.: 5020
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: October 25, 2010
DHS County: Oakland (02)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to Michigan Compiled Laws (MCL) Sections 400.9 and 400.37 and Claimant's request for a hearing. After due notice, a telephone hearing was held on October 25, 2010. Claimant appeared and testified. [REDACTED], appeared and testified for the Department of Human Services (DHS).

ISSUE

Whether Claimant is eligible for State Emergency Relief (SER) benefits?

FINDINGS OF FACT

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

1. On January 20, 2010, a judgment of eviction was issued against Claimant by a recognized court in the State of Michigan.
2. Also on January 20, 2010, Claimant applied at DHS for SER benefits.
3. Claimant requested assistance with unpaid rent in the amount of \$6,545.
4. Claimant's income consists of State Disability Assistance (SDA) benefits of \$269 per month.
5. Claimant's monthly rent payment is \$500.
6. On February 10, 2010, DHS denied Claimant's request for SER for the stated reason that her monthly shelter expense exceeded her monthly income.

7. On February 19, 2010, Claimant filed a hearing request with DHS.

CONCLUSIONS OF LAW

SER was established by 2004 Michigan Public Acts (PA) 344. The SER program is administered pursuant to MCL 400.10, *et seq.*, and Michigan Administrative Code Rules 400.7001-400.7049. DHS policies are found in the State Emergency Relief Manual (ERM). This manual is available online at www.michigan.gov/dhs-manuals.

The Emergency Relief Manual contains the procedures DHS must follow in granting and denying benefits to all persons. DHS has referred me to ERM 207 in its Hearing Summary. I agree that ERM 207, "Housing Affordability," is the correct manual section to look to for the legal standards to apply in this case.

ERM 207 states at the beginning:

HOUSING AFFORDABILITY

DEPARTMENT POLICY

Housing affordability is a condition of eligibility for State Emergency Relief (SER) and applies only to Relocation Services (ERM 303) and Home Ownership Services and Home Repairs (ERM 304). Housing affordability does not apply to other SER services. ERM 207, p. 1 of 3.

Based on this description, I determine that DHS can only provide housing assistance for relocation, ownership and repairs, if DHS finds that the person can afford to remain in the housing at her or his own expense after she or he has received the emergency assistance. This means that a person who does not have enough monthly income to keep up their rent payments after the emergency assistance saves them from an eviction, is not eligible for DHS emergency assistance. While ERM 207 itself may be harsh because it does not provide help to people who cannot afford to pay the monthly shelter expense after receiving emergency shelter assistance, I am not in a position to evaluate or change ERM 207 and must apply it evenhandedly in all cases before me. I find and conclude that DHS properly applied this section of ERM 207 in this case.

Having found that the condition of housing affordability applies in this case, I go on through ERM 207 to the requirements that a client must meet in order for DHS to decide that their housing is, in fact, affordable. The formula that DHS must apply is as follows:

Requirements

Deny SER if the group does not have sufficient income to meet their total housing obligation. The total housing obligation cannot exceed 75% of the group's total net countable income. *Id.*

I have reviewed all of the evidence and testimony in this case, as well as the applicable law, policy and procedure. I find and conclude that DHS acted properly in determining that 75% of Claimant's monthly income of \$269 is less than \$500, her monthly shelter expense, and therefore she is not eligible for SER benefits. I conclude that DHS applied the required formula in the correct manner to the facts of this case. I decide that DHS is AFFIRMED. DHS need take no further action in this case.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, AFFIRMS DHS in its decision to deny SER benefits to Claimant. DHS need take no further action in this case.



Jan Leventer
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: October 27, 2010

Date Mailed: October 27, 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.

2010-41146/JL

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.

JL/pf

cc:

