

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: 2010-42061

Issue No: 5006, 5026

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

September 1, 2010

Clinton County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

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 three-way telephone hearing was held on September 1, 2010. Claimant personally appeared and testified from her home telephone.

ISSUE

Did the department correctly handle claimant's State Emergency Relief (SER) application for rent assistance in February, 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. Claimant applied for SER on February 8, 2010 and provided a court judgment stating she had to pay \$792.40 in order to remain in [REDACTED].

2. Department computed an SER budget taking into account claimant's employment income, her Family Independence Program (FIP) grant, and her unmet required payments (shortfall). This budget resulted in determination that the claimant had to pay \$756.65 towards her rent with department paying \$35.75, for a total of \$792.40.

3. On February 9, 2010 department sent the claimant an SER Decision Notice stating what her payment was to be towards her rent. This notice clearly stated that no DHS payment will be made for any service until she provides proof that she had made her payment. Such proof had to be returned by March 9, 2010.

4. Claimant did not provide proof of the payment she was required to make. Claimant instead requested a hearing on April 6, 2010 complaining about her trailer park landlord. Department did discuss claimant's SER application with the claimant on this date and told her she was not denied but approved with the copayment she never provided proof that she made.

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 (ERM).

Department's policy requires that the department complete a budget taking a person's income, assets and required payments into account when any assistance under SER is requested. Department did so in claimant's case and determined her copayment which she never made. Claimant testified that she did not want to live at the trailer park any more due to disputes with

her landlord and that she told the department she was moving to another address. Claimant therefore states that the department should have paid her rent and deposit for her new residence instead of addressing her old residence.

Departmental policy on issuance maximums for relocation services states that for a group of 3 (that was claimant's household at the time of the SER application) that amount is \$620. Claimant's copayment was over \$700. Therefore, even if the department addressed her request for rent and deposit to move to a new residence, she would not be eligible for any SER assistance due to her copayment being higher than \$620.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly handled claimant's SER application in February, 2010.

Accordingly, department's action is AFFIRMED, and it is SO ORDERED.

/s/ _____
Ivona Rairigh
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: September 6, 2010

Date Mailed: September 7, 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.

2010-42061

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.

IR/tg

cc:

