

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: 201046519
Issue No: 5032
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
September 14, 2010
Kalamazoo 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 May 18, 2010. After due notice, a telephone hearing was held on Tuesday, September 14, 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 submitted a SER application as a group of five on May 12, 2010, for housing assistance after receiving an eviction notice.
2. The Claimant has a monthly rent obligation of [REDACTED]. Department Exhibit 3.
3. The Claimant's need to avoid eviction is [REDACTED]. Department Exhibit 2.
4. The Claimant made four monthly payments of [REDACTED] from January of 2010, through April of 2010. Department Exhibit 3.

5. On May 17, 2010, the Department denied the Claimant's SER application because her shortfall is greater than the amount needed to avoid the emergency. Department Exhibit 5.
6. The Department received the Claimant's request for a hearing on May 18, 2010, protesting the denial of her SER application.

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 and may include the following services:

- First month's rent.
- Rent arrearage.
- Mobile home lot rent.
- Security deposit (if required).
- Moving expenses (to relocate household effects). ERM 303.

The Department will verify the group shelter payments for the past six months will 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. ERM 303. 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 good cause amount for the SER group size, and
- The income was not reduced by a disqualification of SSI or department benefits for failure to comply with a program requirement. ERM 204.

In this case, the Claimant had an actual monthly rent obligation of [REDACTED], for a total of [REDACTED] from January of 2010, through April of 2010. The Claimant made actual payments of [REDACTED] per month during this period for a total of [REDACTED]. The Claimant's shortfall of [REDACTED] is the difference between these two totals. The good cause amount for a group of five is \$285, and the Claimant's group has a net income of [REDACTED]

The Claimant's need to avoid eviction is [REDACTED]. Since the Claimant's income is greater than the good cause amount, and her shortfall is greater than the amount needed, the Claimant is not eligible for SER assistance.

The Claimant argued that her payment history on her home does not take into account payments made on her previous home, which she made before January of 2010.

The Department considers eligibility for SER assistance based on the group's current housing expenses and payment history. Payments made toward another residence are not counted toward her payment history for the purposes of determining her eligibility to receive SER assistance with her current residence.

Based on the evidence and testimony available during the hearing, the Department has established that the Claimant was not eligible for SER assistance.

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: September 30, 2010

Date Mailed: October 1, 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.

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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:

