

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.: 2010-49375
Issue No.: 5026
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: November 18, 2010
DHS County: Wayne (35)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to Michigan Compiled Laws (MCL) 400.9 and 400.37 and Claimant [REDACTED] request for a hearing. After due notice, a telephone hearing was held on November 18, 2010. Claimant appeared and testified. [REDACTED], appeared and testified on behalf of the Department of Human Services (DHS).

ISSUE

Whether Claimant is eligible for State Emergency Relief (SER) relocation 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 June 1, 2010, Claimant applied for SER relocation benefits to help with a rent payment of \$1,462.
2. On June 1, 2010, DHS gave Claimant a Relocation Verification Requirements List indicating that DHS would pay a maximum of \$620 on the condition that Claimant made a copayment of \$842.
3. On June 8, 2010, relying on DHS to pay the \$620 maximum SER benefit, Claimant paid \$842 to the landlord.
4. On June 9, 2010, Claimant submitted to DHS the rent receipt showing payment of \$842.

5. DHS did not place the rent receipt in Claimant's file at the time it was received.
6. On June 10, 2010, Claimant's application for SER was denied for the reason that she had not submitted requested information.
7. On June 23, 2010, Claimant filed a notice of hearing request with DHS.

CONCLUSIONS OF LAW

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

THE ERM is the authority I now turn to in order to find the applicable policy and procedures to use in deciding this case. ERM 303, "Relocation Services," is the proper manual item to consider in this case. The Department Policy is as follows:

RELOCATION SERVICES

DEPARTMENT POLICY

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, p. 1 (italics added for emphasis).

However, ERM 303 provides assistance to prevent homelessness only in the very limited instances where a court has issued an eviction notice or a court summons regarding an eviction. Without a demonstration that the customer is facing court action and the customer will be homeless without SER, SER benefits are inappropriate and must be denied. *Id.*, p. 5.

I have reviewed all of the testimony and evidence in this case. I find that the record in this case contains no proof that Claimant was served with an eviction notice or court summons to an eviction proceeding. I find and conclude that Claimant was never asked to demonstrate that she was a potentially homeless person.

I find that the verification requirement of ERM 303 was not met. I find that DHS never asked Claimant, verbally or in writing, for proof of eviction or court summons. I find that DHS erred in denying Claimant's benefits for failure to produce requested information,

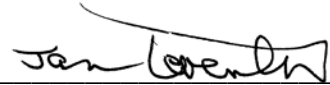
2010-49375/JL

because DHS did not prove that it ever asked Claimant for evidence of eviction. I conclude that DHS did not follow its own procedures in this case.

Accordingly, I REVERSE DHS' denial of SER benefits in this case. I ORDER that DHS shall reopen and reprocess this case in accordance with ERM 303 and all DHS policies and procedures.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, decides and determines that DHS shall be REVERSED. IT IS ORDERED that DHS shall reopen and reprocess Claimant's SER application for relocation benefits in accordance with ERM 303 and all DHS policies and procedures.



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

Date Signed: November 23, 2010

Date Mailed: November 23, 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.

JL/pf

cc:

