

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: 201049976
Issue No: 5030
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
September 22, 2010
Kent 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 3, 2010. After due notice, a telephone hearing was held on Wednesday, September 22, 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 Department received the Claimant's SER application on October 29, 2009.
2. The Claimant signed a lease with a move in date of November 1, 2009, which called for security deposit of \$ [REDACTED]
3. On April 26, 2010, the Department denied the Claimant's SER application.
4. The Department received the Claimant's request for a hearing on May 3, 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 following services may be authorized if they will resolve the group's shelter emergency:

- First month's rent.
- Rent arrearage.
- Mobile home lot rent.
- Moving expenses. ERM 303.

The Department will deny a SER application where the following requirements have not been met:

- Complete the application process.
- Meet financial and non-financial requirements.
- Have an emergency which threatens health or safety and can be resolved through issuance of SER.
- Take action within their ability to help themselves, i.e. obtain potential resources and/or apply for assistance.
- Not have caused the emergency.
- Cooperate in providing information about income, assets, living arrangements, and other persons living in the home. ERM 101.

The Department received the Claimant's SER application on October 29, 2009. The Claimant had requested assistance with a \$790 security deposit on an apartment. The Claimant signed a lease with a move in date of November 1, 2009. On April 26, 2010, the Department denied the Claimant's SER application because the Claimant's emergency had already been resolved.

The Claimant argued that she did have a housing emergency when she submitted her SER application. The Claimant testified that she was living in an emergency shelter until November 4, 2010.

The Claimant signed a lease with a move in date of November 1, 2009. The actual date that the Claimant moved in to her new home is not relevant to the Claimant's eligibility for SER benefits in this case. No evidence was presented at the hearing that the Claimant's landlord would not permit the Claimant to take possession of the apartment without payment of the security deposit. The lease beginning on November 1, 2009, is for the same residence that the Claimant currently resides in.

Based on the evidence and testimony presented during the hearing, the Department has established that it properly denied the Claimant's SER application because the Claimant's housing emergency had already been resolved.

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: October 11, 2010

Date Mailed: October 12, 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.

2010-49976/KS

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/alc

cc:

