

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]
[REDACTED]
[REDACTED]

Reg. No: 2010-50877

Issue No: 5030

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

November 18, 2010

Ingham County DHS

ADMINISTRATIVE LAW JUDGE: Jay W. Sexton

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, an in-person hearing was held on November 18, 2010 in Lansing. Claimant personally appeared and testified under oath.

The department was represented by Georgina Nelson (ES).

The Administrative Law Judge appeared by telephone from Lansing.

ISSUE

Did the department correctly process claimant's application for SER eviction services?

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 is an SER applicant. Claimant lives with her adult son.
- (2) Claimant receives RSDI (\$806 per month); her son receives SSI (\$449.34 per month).
- (3) On May 3, 2010, claimant applied for SER eviction services.

- (4) Claimant provided evidence of a Court Ordered Eviction showing a monthly rental amount of \$600 and a rental arrearage for April 2010 of \$333.
- (5) On May 10, 2010, the caseworker ran an SER eligibility budget which shows the following:

SER Income--\$1,255;

April rental obligation--\$600;

April rental arrearage--\$333;

SER rental shortfall--\$333.
- (6) On May 10, the department denied the claimant's SER/eviction application with the following notice (DHS-1419).

The reason for this action is:

Relocation--a shortfall amount [\$333] is equal to or greater than the amount needed to resolve the emergency [\$333].

- (7) On May 17 and May 26, 2010, claimant filed a timely hearing request disputing the denial of her SER/eviction request.

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 (SER).

The SER department manuals provide that the department may pay specified amounts for clients who receive eviction notices due to nonpayment of rent. ERM 301, 303, and 304. The department's policy requires SER/eviction applicants to pay their monthly rent amount in full, before requesting SER/eviction assistance. The minimum amount which the SER/eviction applicant must pay is determined by the household's income.

In the instant case, SER policy required claimant to pay the full amount of her April rent (\$600), based on her monthly income of \$1,255.

The preponderance of the evidence in the record shows that claimant did not make the required SER rental payment of \$600.

Therefore, the department was unable to provide SER/eviction services to claimant in April 2010.

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly processed claimant's April SER eviction request due to claimant's failure to make her required rental payments in April.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly processed claimant's SER/eviction application and correctly denied SER assistance for April 2010 due to claimant's failure to make the required minimum payments.

Therefore, the department's action is, hereby, AFFIRMED.

SO ORDERED.

/s/ _____
Jay W. Sexton
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: December 3, 2010

Date Mailed: December 3, 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 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.

JWS/tg

cc:

