

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.: 201050879
Issue No.: 5032; 6000
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: November 29, 2010
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a telephone hearing was held on November 29, 2010. The Claimant appeared at the hearing and testified. [REDACTED], FIM appeared on behalf of the Department.

ISSUE

Was the Department correct in denying Claimant's State Emergency Relief application, and in processing Claimant's Child Day Care benefit?

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 State Emergency Relief in May 2010.
- (2) Claimant has \$525 income.
- (3) Claimant's rental obligation is \$500.
- (4) Claimant's SER application was denied on May 4, 2010 because shelter was not affordable.
- (5) Claimant's CDC application has not been processed.
- (6) Claimant was sent a verification checklist requesting verification of stopped employment on September 28, 2010 with an October 8, 2010 due date.

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- (7) Claimant requested a hearing on July 26, 2010 contesting the denial of SER benefits and failure to process his CDC application.
- (8) The parties reached an agreement with regard to Claimant's CDC application, whereby the Department agreed to immediately process the CDC application that was filed with [REDACTED] FIS, specifically the provider application for [REDACTED].

CONCLUSIONS OF LAW

The Child Development and Care program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. The Department of Human Services (formerly known as the Family Independence Agency) provides services to adults and children pursuant to MCL 400.14(1) and MAC R 400.5001-5015. Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

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. The Department of Human Services' [formally known as the Family Independence Agency] policies are found in the State Emergency Relief Manual ("ERM").

State Emergency Relief ("SER") prevents serious harm to individuals and families by assisting applicants with safe, decent, affordable housing and other essential needs when an emergency situation arises. ERM 101, p. 1.
Deny SER if the group does not have sufficient income to meet their total housing obligation. The total housing obligation cannot exceed 75% of the group's total net countable income. ERM 207.

Under Bridges Administrative Manual Item 600, clients have the right to contest any agency decision affecting eligibility or benefit levels whenever they believe the decision is illegal. The agency provides an Administrative Hearing to review the decision and determine if it is appropriate. Agency policy includes procedures to meet the minimal requirements for a fair hearing. Efforts to clarify and resolve the client's concerns start when the agency receives a hearing request and continues through the day of the hearing.

In the present case with regard to CDC benefits, the parties reached an agreement regarding Claimant's CDC application, whereby the Department agreed to immediately process the CDC application that was filed with [REDACTED] FIS, specifically the

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provider application for [REDACTED]. Since the Claimant and the Department have come to an agreement it is unnecessary for this Administrative Law Judge to make a decision regarding the facts and issues in this case.

In the present case as it relates to SER benefits, Claimant receives \$525 in income. The rental obligation is \$500, and Claimant is responsible for utilities. Claimant's total housing obligation exceeds 75 % of Claimant's net countable income. $500/525 = 95\%$ ERM 207. Therefore, the Department's denial of State Emergency Relief due to lack of affordability is proper and correct. Claimant cannot meet ongoing housing obligation and based on Department policy his housing is not affordable to him. ERM 207.

DECISION AND ORDER

The Department and Claimant have come to a settlement regarding Claimant's request for a hearing as it relates to CDC benefits. Therefore it is ORDERED that the Department immediately process the CDC application that was filed with [REDACTED] FIS, specifically the provider application for [REDACTED], in accordance with this settlement agreement.

This Administrative Law Judge further decides that the Department was correct in the denial of SER benefits, and it is ORDERED that the Department's decision in this regard be and is hereby AFFIRMED.



Aaron McClintic
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.

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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.

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