

STATE OF MICHIGAN  
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED]

Claimant

Reg. No: 2010-54538

Issue No: 5032

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

October 28, 2010

Muskegon County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne L. Morris

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, a telephone hearing was held on October 28, 2010. The claimant personally appeared and provided testimony.

ISSUE

Did the department properly deny the claimant's State Emergency Relief (SER) request for relocation services in August, 2010?

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 applied for SER assistance with relocation on August 10, 2010.
2. The department denied the claimant's application because her shortfall exceeded her need. (Department Exhibit 1, 5 – 7)
3. The claimant submitted a hearing request on August 31, 2010.

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).

Department policy states:

**DEPARTMENT POLICY**

State Emergency Relief (SER) prevents serious harm to individuals and families. SER assists applicants with safe, decent, affordable housing and other essential needs when an emergency situation arises. ERM, Item 101, p. 1.

**Requirements**

Residence in the State of Michigan is not required. SER serves all persons physically present in Michigan. In addition, SER applicants must:

- 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 (ERM, 204, Client-Caused Emergency)
- Cooperate in providing information about income, assets, living arrangements, and other persons living in the home

Deny SER services for applicants who fail to meet any of the above requirements. ERM, Item 101, p. 1.

## **CLIENT-CAUSED EMERGENCIES**

### **DEPARTMENT POLICY**

SER does not assist a group who failed to use their available money to prevent a shelter, energy or utility emergency. A client-caused emergency is when an SER group fails to pay required payments for the six-month period prior to the month of application. ERM, Item 204, p. 1.

### **REQUIRED PAYMENTS**

Evaluate the payment history for the preceding six-month period to determine the required payment criteria. Required payments are actual shelter costs or required energy and/or utility payments as outlined in ERM 301 and ERM 302.

**Note:** Previously issued SER funds cannot be used to make required payments. Contributions from any other source can count toward required payment amounts. Refer to ERM 103, DHS-1419, Decision Notice regarding timeframes allowed for the client to make the copays or shortfalls when all other eligibility criteria are met. ERM, Item 204, p. 1.

### **GOOD CAUSE**

Good cause may exist as a basis for an applicant's failure to prevent an emergency.

Establish good cause for the following services:

- . Relocation services
- . Home ownership services (except property taxes)
- . Energy services
- . Utility services

### **Good Cause -- Failure to Meet Obligations**

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 amount shown for the SER group size in the "Good Cause" table below, and

- . The income was not reduced by a disqualification of SSI or department benefits for failure to comply with a program requirement.

**Note:** This includes income of people who were in the group during the required payment period.

OR

**Good Cause - Unexpected Expenses**

- . The emergency resulted from unexpected expenses related to maintaining or securing employment. Verify expenses for each month the group failed to pay shelter/energy/utility obligations. The employment-related expenses must equal or exceed the monthly shelter/energy/utility obligation. Payment differences are the responsibility of the SER group. ERM, Item 204, pp. 1-2.

**GOOD CAUSE DETERMINATION TABLE**

SER Group Size	Good Cause Amount
1	\$225
2	\$240
3	\$255
4	\$270
5	\$285
6	\$300

Groups larger than 6 persons: Add \$15 for each additional person to the “group size 6” amount shown in the table. ERM, Item 204, p. 2.

**Required Payments**

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. See Item 204.

In this case, the department denied the claimant’s SER application because her unmet required payments were equal or greater than the amount needed to resolve the emergency. The claimant requested \$500 to prevent an eviction. Department policy requires the department to

evaluate the payment history for the preceding six-month period to determine the required payment criteria. ERM 204. Required payments are the actual shelter costs (\$500 monthly, in this case). The client's six-month history shows a shortfall of \$1000 in rent that was not paid.

Good cause can exist for failing to prevent the emergency and pay the obligations. ERM 204. Good cause can exist if the SER group's net countable income from all sources during each month the group failed to pay shelter expenses was less than the amount shown in the SER group size table. ERM 204. The claimant had a group size of four, so the good cause amount is \$270. Thus, if the claimant's net countable income is less than \$270, the claimant can have good cause. However, the claimant's net countable income for each month was \$492.

The only other way the client can have good cause for the non-payment of the rental obligation is if she incurred unexpected expenses related to maintaining or securing employment. This does not apply to the claimant.

Thus, the department properly determined the claimant did not meet any good cause factors for her failure to make the required payments.

#### DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly denied the claimant's State Emergency Relief (SER) request for help with rent payments in August, 2010.

Accordingly, the department's determination is UPHeld. SO ORDERED.

/s/ \_\_\_\_\_  
Suzanne L. Morris  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: November 9, 2010

Date Mailed: November 9, 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.

SLM 

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