

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.: 2010-54661  
Issue No.: 5012  
Case No.: [REDACTED]  
Load No.: [REDACTED]  
Hearing Date: December 2, 2010  
DHS County: Wayne (57)

**ADMINISTRATIVE LAW JUDGE:** Susan C. Burke

**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 December 2, 2010. Claimant appeared and testified. [REDACTED] appeared on behalf of the Department of Human Services (Department).

**ISSUE**

Was the Department correct in denying Claimant's State Emergency Relief (SER) request?

**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 SER for a rental security deposit in the amount of \$738.00 on August 19, 2010.
2. Claimant did not note on the application the amount of monthly rent that she would be paying after the initial security deposit.
3. No further documentation was submitted by the Department verifying the rental amount to be paid after the initial security deposit would have been paid.
4. Claimant received \$528.00 two times a month in unemployment benefits.
5. Claimant submitted a Request for Hearing on August 19, 2010.

6. Claimant also submitted a Request for Hearing dated July 23, 2010, stating that the worker did not respond to her calls.
7. On August 19, 2010, the Department denied SER because Claimant's housing was not affordable.

### **CONCLUSIONS OF LAW**

The 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 policies are found in the State Emergency Relief Manual (ERM).

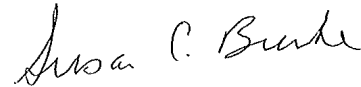
ERM 207 states that housing affordability is a condition of eligibility for SER. Total housing obligation means the total amount the SER group must pay for rent. SER is authorized for services only if the SER group has sufficient income to meet ongoing housing expenses. The total housing obligation cannot exceed 75% of the group's total net countable income.

In the present case, the Department denied Claimant's application because she did not meet the housing affordability standard. At the hearing, the Department indicated that it did not have current information regarding Claimant's housing obligation. Without this information, the Department had insufficient evidence to base a denial due to housing affordability. The Department was, therefore, incorrect in denying Claimant the SER request.

It is noted that Claimant also submitted a Request for Hearing dated July 23, 2010, stating that the worker did not respond to her calls. However, that issue is not within the jurisdiction of this Administrative Law Judge. MAC R 400.903(1); BAM 600.

**DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department was incorrect in its decision denying Claimant's SER request and its decision is, therefore, REVERSED. It is ORDERED that the Department shall obtain the necessary housing affordability information pursuant to SER 207 and reprocess the SER application.



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Susan C. Burke  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: December 14, 2010

Date Mailed: December 14, 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.

SCB/pf

cc:

