

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: 2010-55959

Issue No: 5008

[REDACTED]

[REDACTED]

Hearing Date: November 17, 2010
Berrien 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 November 17, 2010. The claimant appeared and provided testimony, along with her mother, Marjorie Carter.

ISSUE

Did the department properly deny the 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. The claimant applied for SER with moving expenses, a security deposit and electricity on September 17, 2010. (Department Exhibit 1)
2. On September 17, 2010, the department mailed the claimant a Verification Checklist (DHS-3503) that required the claimant to submit proof of homelessness and electricity shut-off by September 24, 2010. (Department Exhibit 2)
3. On September 24, 2010, the department mailed the claimant an Application Notice (DHS-1150) that indicated her request for SER was denied because the necessary information was not provided. (Department Exhibit 3)

4. On September 21, 2010, the claimant submitted a hearing 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).

Department policy indicates:

Applicant Responsibilities

Applicants must cooperate in the following:

- . The application process
- . Providing verifications
- . Answering all questions truthfully and completely whether written or oral

Deny SER if applicants refuse to take action, provide information within their ability, or withdraw their application. ERM, Item 102, p. 1.

VERIFICATION OF NEED

Verify actual or threatened shut off or need for reconnection of natural gas or electricity by written notice from, or telephone call to, the utility company.

Verify the need for deliverable fuels by the statement of the group.

Document need in the SER packet (See PAM, Item 300).

An actual bill must be obtained from the provider before authorizing a DHS-849 payment. In the absence of an actual bill, a fax or email received directly from an individual designated by the energy provider is acceptable as long as it includes all the pertinent information that would be included on the actual bill. ERM 301.

ELIGIBILITY REQUIREMENTS

Authorize relocation services only if one of the following circumstances exists and all other SER criteria are met:

- . The SER group is homeless, living in a shelter, a car, a transitional facility or on the street. A group living with friends or relatives is not homeless, even if the arrangement is temporary unless one of the situations below exists.
 - .. The group is living temporarily with other persons following a fire or natural disaster that occurred not more than 60 days before the date the group files an application for SER.
 - .. The group is living with other persons to escape a domestic violence situation.
- . A court summons, order, or judgment was issued which will result in the SER group becoming homeless.
- . The SER group needs adequate housing to avoid a foster care placement or before a child or children can come home from foster care.
- . An DHS services worker or DHS specialist, with supervisory approval, determines the family must be relocated from unsafe housing for the protection of the children.
- . The SER group receives final written notice to vacate condemned housing from a local public agency authorized to issue such an order.
- . The energy MDT (Multi-Disciplinary Team) has identified the group as living in high energy housing that cannot be rehabilitated. ERM, Item 303, pp. 1-2.

VERIFICATION SOURCES

Homelessness

- . Eviction, judgment, or court order from last residence.

Note: A Demand for Possession Non-Payment of Rent or Notice to Quit is not acceptable.

- . Group's statement that they are living with others to escape domestic violence.
- . Written statement from the emergency shelter provider of residency in emergency shelter, HUD-approved transitional facility, or domestic violence shelter.

Potentially Homeless

- . An eviction order, judgment, or court summons regarding eviction. (A Demand for Possession Non-Payment of Rent or a Notice to Quit is not sufficient.)
- . Legal notice from local public agency ordering the group to vacate condemned housing.

In this case, the claimant is disputing the department's denial of her SER application for assistance with an electricity bill, security deposit and relocation expenses. The claimant submitted her SER application on September 17, 2010. No documentation or verification was submitted with the application. The department mailed the claimant a Verification Checklist (DHS-3503) on September 17, 2010, requiring the claimant to submit proof of homelessness and disconnection for the electric.

The claimant testified that she put a copy of the utility bill and a letter about eviction in the department drop box a couple of days after receiving the Verification Checklist. However, the department staff member testified that no verifications were received. The claimant was asked if she had copies of the eviction judgment and shut-off notice to provide to this Administrative Law Judge. The claimant testified that she did not have copies of either. The claimant also testified that she was told by the department worker that she would have to have an eviction judgment and also admitted telling the department worker that she did not have any such judgment.

Thus, this Administrative Law Judge finds that the department did not receive the necessary verifications required by department policy to allow a determination to be made on the claimant's SER application. Applicants must cooperate in providing the department with all necessary verifications. ERM 102. As the required verifications were not provided, the department followed policy and denied the application.

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.

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

_____/s/_____
Suzanne L. Morris
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 1/25/11

Date Mailed: 1/25/11

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.

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