

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: 2010-8245
Issue No: 5032
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
July 22, 2010
Ingham County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on September 17, 2009. After due notice, a telephone hearing was held on Thursday, July 22, 2010.

ISSUE

Whether the Department of Human Services (Department) properly determined the Claimant's State Emergency Relief (SER) eligibility?

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 benefits on July 23, 2009.
- (2) On September 10, 2009, the Department sent the Claimant notice it had denied her SER application because her housing was not affordable.

(3) The Department received the Claimant's request for a hearing on September 17, 2009, protesting the denial of her SER application.

(4) On October 23, 2009, the Department revised its eligibility determination and found that the Claimant's housing is affordable.

(5) The Claimant was not evicted from her home.

(6) On October 23, 2009, the Department denied the Claimant's application for SER benefits because there was no emergency.

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

The State Emergency Relief (SER) program assists individuals and families to resolve or prevent homelessness by providing money for rent, security deposits, and moving expenses. The group's shelter emergency must be resolved by an issuance of the following services:

- First month's rent.
- Rent arrearage.
- Mobile home lot rent.
- Security deposit.
- Moving expenses. ERM 303.

SER serves all persons physically present in Michigan that meet the following conditions:

- 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.
- Cooperate in providing information about income, assets, living arrangements, and other persons living in the home.

The Department must deny SER services for applicants who fail to meet any of the above requirements. ERM 101.

The Claimant applied for SER relief to avoid eviction from her home. The Department mistakenly denied the Claimant's application after concluding that her housing situation was unaffordable on September 10, 2009. After the Claimant appealed the denial of her application, the Department determined that the Claimant's housing was affordable.

However, the Department continued to deny SER benefits because there was no present emergency situation. SER applicants are required to take action to help themselves where possible. In this situation, the Claimant was able to help herself by negotiating with her landlord to avoid eviction.

Based on the evidence and testimony presented at the administrative hearing, I find that the Department established that the Claimant was able to resolve her emergency without SER benefits, and the Department acted in accordance with policy when it denied the Claimant SER benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department acted in accordance with policy in determining the Claimant's SER eligibility.

The Department's SER eligibility determination is AFFIRMED. It is SO ORDERED.

/s/ _____
Kevin Scully
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: August 2, 2010

Date Mailed: August 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 60 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.

KS/vc

cc:

