

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.: 2010-9204
Issue No.: 5017/5032
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
April 28, 2010
Wayne County DHS (58)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 conducted from Detroit, Michigan on April 28, 2010. Claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED], Specialist, appeared and testified.

ISSUE

Whether DHS correctly denied Claimant's 9/1/09 State Emergency Relief (SER) request for assistance with rent and furnace repair.

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 on 9/1/09.
2. Claimant sought emergency assistance help for back rent and a furnace repair.

3. Claimant is a tenant who owed the landlord an unspecified amount of rent at the time of her SER application.
4. Claimant received a Notice to Quit from her landlord but Claimant's landlord did not pursue the matter in court.
5. Claimant believes her furnace is in need of repair and is causing her excessive heat bills.
6. Claimant was not the owner of the residential property in which she lived.
7. On 9/15/09, DHS denied Claimant's SER request for rent because Claimant failed to establish that an emergency existed.
8. On 9/15/09, DHS denied Claimant SER request for furnace repair because Claimant was not the owner or purchaser of the residence.
9. Claimant submitted a hearing request on 10/20/09 regarding DHS denial of her SER requests for rent and furnace repair.

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 (formerly known as the Family Independence Agency) policies are found in the Emergency Relief Manual (ERM).

State Emergency Relief is a program which offers assistance for various client emergencies. Clients may seek assistance through SER for any of the following: heat or gas bills, water bills, electricity bills, home repairs, rent or mortgage arrearages, relocation expenses, food, burials or migrant hospitalization.

In the present case, Claimant sought SER for assistance with a rent arrearage. Claimant received a Notice to Quit from the landlord indicating that Claimant had seven days to move, to pay her rent or Claimant could be taken to court by the landlord.

ERM 303 states homelessness is a requirement to meet the “emergency” aspect for rent arrearage eligibility. One of the accepted verifications of emergencies is, “A court summons, order, or judgment was issued which will result in the SER group becoming homeless.” A Notice to Quit is the first step in the eviction process; however, the notice is not a valid verification of homelessness or imminent homelessness. If Claimant’s landlord followed the Notice to Quit with a filing for a court date for eviction, Claimant might be eligible for assistance with her rent arrearage. Claimant testified that her landlord did not follow the Notice to Quit with a summons for eviction. It is found that Claimant failed to meet the “emergency” requirement for assistance with her rent arrearage.

Claimant also sought help from DHS for a furnace repair. Claimant testified that something was causing her to have unusually high heating bills. Claimant suspected the furnace was the cause.

Claimant is a tenant of the residence, not the owner. ERM 304 requires clients to be the purchaser or owner of a residence for assistance with furnace repairs. It is found that DHS properly denied Claimant’s request for home repair as Claimant was neither the purchaser nor owner of the residence.

DECISION AND ORDER

The actions taken by DHS are AFFIRMED. The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly denied Claimant's 9/1/09 SER request for assistance with rent and furnace repair.

Christian Gardocki

Christian Gardocki
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 5/4/2010

Date Mailed: 5/4/2010

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.

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