

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.: 2011-11144
Issue No.: 5026
Case No.: [REDACTED]
Hearing Date: January 20, 2011
DHS County: Macomb (50-12)

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 January 20, 2011. Claimant appeared and testified. [REDACTED] also appeared on behalf of Claimant. [REDACTED], appeared on behalf of the Department of Human Services (Department).

ISSUE

Was the Department correct in its decision to deny Claimant's application for State Emergency Relief (SER) for rent due to client not being homeless, not being evicted or leaving a transitional facility?

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 signed a lease on November 14, 2010.
2. Claimant moved into the leased premises on November 21, 2010.
3. Claimant applied for SER for rent, security deposit and moving expenses on November 24, 2010.
4. The Department denied Claimant's application on November 30, 2010, for the reason that the service requested does not meet program requirements.

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

SER assists individuals and families to resolve or prevent homelessness by providing money for rent, security deposits, and moving expenses. The definition of homeless includes:

Persons living in an emergency shelter or motel, in HUD-funded transitional housing for homeless persons who originally came from the street, in a car on the street or in a place unfit for human habitation and there is no housing they can return to. Groups who voluntarily left their home, but can return without a threat to their health or safety, are not homeless.

Persons exiting jail, prison, a juvenile facility, a hospital, a medical setting, foster care, a substance abuse facility or a mental health treatment setting with no plan or resources for housing and no housing to return to.

Persons who meet the eligibility requirements for one of the following homeless assistance programs:

- Homeless Assistance Recovery Program (HARP).
- Transitional Supportive Housing Leasing Assistance Program (TSHLAP).
- Transition In Place Leasing Assistance Program (TIPLAP).
- Rapid Re-Housing Leasing Assistance
- Temporary Basic Rental Assistance (TBRA) funded by MSHDA.

ERM 303, pages 1-2.

ERM 103 dictates:

Prior written or oral approval must be given by an authorized department staff person before SER issuance.

Do not issue SER to reimburse expenses incurred or paid without prior department approval.

The SER payment must resolve the emergency.

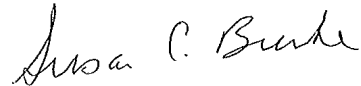
The group must meet all applicable policy requirements for the SER service.

ERM 103, p 3.

In the present case, Claimant concedes that she had already moved into her current premises and signed a lease prior to the time that she applied for SER for rent, moving expenses, and security deposit. Any SER payment would not have resolved the emergency, as the emergency had already been resolved. Therefore, the Department was correct in its decision to deny Claimant's SER application for rent, security deposit and moving expenses. Claimant states that she was forced to move from her prior residence in order to obtain suitable housing for her children who were being released from foster care. However, policy does not allow for assistance in a situation such as this, where the emergency has been resolved.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department was correct in its decision to deny Claimant's SER application, and it is, therefore, ORDERED that the Department's decision is AFFIRMED.



Susan C. Burke
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: January 26, 2011

Date Mailed: January 27, 2011

2011-11144/SCB

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:

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