

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Oakland

Reg
Issue
Hearing

No: 2011 20345

No: 5012, 5026

[REDACTED]

Date:
May 5, 2011

County DHS (04)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 held on May 5, 2011. The Claimant appeared and testified.

[REDACTED] Assistance Payment s Supervisor appear ed on behalf of t he Department.

ISSUE

Whether the Department was correct in denying Claimant's SER applications.

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, finds as material facts:

1. The Claimant applied for State Emergency Relief for moving assistance from her home/apartment on June 1, 2010 and again on August 16, 2010.
Exhibits 2 and 4
2. At the time of her SER application, the Claimant had not been served with eviction papers by her landlord and, therefore, could not provide a notice of an eviction.

3. The Department denied the June 1, 2010 SER application on June 2, 2010, for the reason that no notice of eviction was presented or verified by the Claimant at the time of the Claimant's application. Exhibit 1
4. The Claimant provided verification of rent in support of her second application for SER. The amount of the rent was \$795 per month. Exhibit 5.
5. The Claimant's sole income is from social security in the amount of \$810. Exhibit 2
6. The Department denied the Claimant's second SER application because the rent was not affordable. Exhibit 3
7. The Claimant requested a hearing on June 8, 2010, protesting the denial of her SER application.

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. The Department of Human Services' [formally known as the Family Independence Agency] policies are found in the State Emergency Relief Manual ("ERM").

State Emergency Relief ("SER") prevents serious harm to individuals and families by assisting applicants with safe, decent, affordable housing and other essential needs when an emergency situation arises. ERM 101, p. 1. In order to receive benefits for relocation services applicants must show they are homeless or potentially homeless.

ERM 303


The Department is required to deny SER if the group does not have sufficient income to meet their total housing obligation. The total housing obligation cannot exceed 75% of the group's total net countable income. ERM 207

In the present case, Claimant's income was \$810 per month in Social Security benefits. Claimant's total housing obligation, as verified by her proposed landlord, was \$795 per month. Claimant's total housing obligation was 102% of her net countable income. ($\$810/\$795=102\%$) Therefore, the Department correctly determined that Claimant was not eligible for rent assistance through the State Emergency Relief program because she did not have sufficient income to meet ongoing housing expenses. ERM 207. Additionally, the Claimant did not provide the Department with a summons, judgment, or order of eviction at the time of application as required for verification. ERM 303 page 3.

DECISION AND ORDER

This Administrative Law Judge decides that the Department was correct in the denial of both the Claimant's SER applications dated June 2, 2010 and August 16, 2010. The Department's decision is hereby AFFIRMED.

Administrative
for
Department


Lynn M. Ferris
Law Judge
Maura Corrigan, Director
of Human Services

Date Signed: 05/26/11

Date Mailed: 05/26/11

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.

LMF/dj

cc:

