

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 2011-28647  
Issue No: 5008  
Case No: [REDACTED]  
Hearing Date: June 6, 2011  
[REDACTED]

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 conducted from Detroit, Michigan on June 6, 2011. The Claimant appeared and testified. [REDACTED], Assistance Payments worker, appeared on behalf of the Department.

**ISSUE**

Whether the Department properly denied the Claimant's State Emergency Relief (SER) application for land contract assistance.

**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 (SER) on February 1, 2011.
2. The Claimant's application indicated that she sought assistance with land contract payment. The Claimant also submitted proof of eviction with the application.

3. The Claimant was being evicted as a result of a default on her land contract but submitted proof of eviction.
4. When the Department learned that she sought land contract assistance the department requested that the Claimant submit proof of home ownership.
5. The Claimant did not submit the proof by the deadline, February 17, 2011.
6. The Claimant reapplied for SER for land contract assistance on March 1, 2011.
7. The Department issued a SER Decision which denied the Claimant's February 1, 2011 SER application for failure to verify proof of homeownership.
8. The Claimant requested a hearing on February 15, 2011.

### **CONCLUSIONS OF LAW**

#### **STATE EMERGENCY RELIEF**

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).

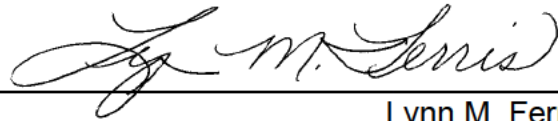
The policy governing the eligibility for State Emergency Relief is found in the State Emergency Relief Manual. The policy provides that the state emergency relief is designed to prevent serious harm to individuals and families. SER assists applicants with safe, decent, affordable housing and other essential needs when an emergency situation arises. In order to be eligible for land contract assistance the applicant must provide proof of home ownership. ERM 207.

Clients must cooperate with the local office in determining initial and ongoing eligibility to provide verification. BAM 130, p. 1. The questionable information might be from the client or a third party. Id. \_\_ The Department can use documents, collateral contacts or home calls to verify information. Id. \_\_ The client should be allowed 8 calendar days to provide the verification. If the client refuses to provide the information or has not made a reasonable effort within the specified time period, then policy directs that a negative action be issued. BAM 130, p. 4. Before making an eligibility determination, however, the department must give the client a reasonable opportunity to resolve any discrepancy between his statements and information from another source. BAM 130, p.

In this case, when the Claimant advised the department that she was not seeking rent assistance, the Department requested verification of proof of home ownership. The Claimant's case worker called the Claimant to discuss the application and advised the Claimant that she had to submit documents verifying home ownership by February 17, 2011 or the application would be denied. The Claimant was told at that time if she could not provide the verification that she could reapply for SER assistance. The Claimant's caseworker was confused by the application as an eviction notice was included with the application which requested SER for land contract payments. The Claimant did not provide proof of home ownership to the Department by the deadline. ERM 304, page 3. Based upon the foregoing, the Department properly denied the Claimant's SER application.

**DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that there was sufficient evidence presented to affirm the Department's actions denying the Claimant's SER application for failure to return the verification information to demonstrate proof of home ownership by the due date, therefore the denial of the application by the Department is AFFIRMED.



Administrative  
For  
Department

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

Date Signed: June 14, 2011

Date Mailed: June 14, 2011

LMF/cl

**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.

cc:

