

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201135733  
Issue No.: 5026  
Case No.: [REDACTED]  
Hearing Date: July 21, 2011  
Wayne County DHS  
District 31

**ADMINISTRATIVE LAW JUDGE:** Yasmin J. Elias

**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 July 21, 2011. The claimant appeared and testified. [REDACTED] eligibility specialist, appeared and testified on behalf of the Department of Human Services (DHS).

**ISSUE**

Whether the DHS properly denied the Claimant's State Emergency Relief (SER) application based on a finding that the Claimant's shelter was not affordable?

**FINDINGS OF FACT**

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

1. On or about May 6, 2011, the Claimant submitted an SER application seeking assistance with her rent in order to prevent eviction.
2. In May 2011, the Claimant's income was \$455 per month; \$396.82 of that amount was considered countable income.
3. In May 2011, the Claimant's monthly rent was \$450.
4. As of May 9, 2011, the Claimant's rent was six months in arrears.
5. On May 9, 2011, the Claimant was informed that her SER application was denied based on a finding that her housing was not affordable.

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6. On the same day, the Claimant submitted a request for hearing regarding 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. Michigan Administrative Code Rules R 400.7001-400-7049. Department of Human Services (formerly known as the Family Independence Agency) policies are found in the State Emergency Relief Manual (ERM).

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. All countable earned and unearned income is used to determine the group's financial eligibility. ERM 206 Housing affordability is a condition of eligibility for SER and applies to Relocation Services and Home Ownership Services and Repairs. ERM 207; ERM 304. To determine a group's maximum total housing obligation, a group's total net countable income is multiplied by 75%. ERM 207. The maximum total housing obligation cannot exceed a group's total net countable income. ERM 207. The SER budget is used to calculate and certify eligibility or ineligibility for each SER application. ERM 208. An SER application is denied if the group does not have sufficient income to meet the total housing obligation. ERM 207.

In this case, the Claimant's monthly rent exceeded her countable monthly income. The Claimant acknowledged that her income was insufficient to meet her rent obligation and acknowledged that she had not been able to meet that obligation for the six months prior to her SER application. Because the Claimant was unable to afford the monthly shelter obligation, she did not meet the eligibility criteria for the SER funds requested, as she would not be able to pay her share of a rent payment, or to continue to make rental payments on her own. The Claimant indicated she now understood the reason for the SER application denial and added that her circumstances have changed, as she has recently obtained employment. The Claimant was informed of her ability to reapply for SER assistance based on her new circumstances.

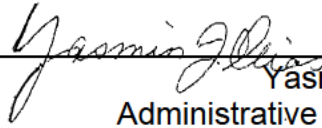
In light of the foregoing, the Department acted in accordance with Department policy when it denied the Claimant's SER application based on affordability factors. Accordingly, the Department's determination is AFFIRMED.

### **DECISION AND ORDER**

The Administrative Law Judge, based on the above findings of fact and conclusions of law finds that the Department acted in accordance with Department policy when it

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denied the Claimant's SER application based on shelter affordability factors. The Department's determination is AFFIRMED.

  
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Yasmin J. Elias  
Administrative Law Judge  
For Maura Corrigan Director  
Department of Human Services

Date Signed: July 28, 2011

Date Mailed: July 29, 2011

**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 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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