

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

IN THE MATTER OF:



Reg. No. 2011-41137
Issue No. 5012
Case No. [REDACTED]
Hearing Date: August 17, 2011
Oakland County DHS (03)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

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 Wednesday, August 17, 2011. The Claimant appeared and testified. [REDACTED] appeared on behalf of the Department of Human Services ("Department").

ISSUE

Whether the Department properly denied the Claimant State Emergency Relief ("SER") application based on the housing affordability provisions?

FINDINGS OF FACT

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

1. The Claimant submitted a SER application on May 11, 2011, requesting \$1,400.00 to prevent eviction from her apartment. (Exhibits 2, 3, and 4)
2. The Claimant was unemployed in May 2011 and had no income outside of her cash assistance ("FIP") grant of \$403.00. (Exhibit 5)
3. On May 12, 2011, the Department denied the Claimant's SER request stating the shelter was not affordable. (Exhibit 6)

4. On May 24, 2011, the Department received the Claimant's timely written request for hearing. (Exhibit 1)

CONCLUSIONS OF LAW

The State Emergency Relief 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 only 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. An SER application is denied if the group does not have sufficient income to meet the total housing obligation. ERM 207.

In this case, at the time of the SER request, the Claimant was not employed and, thus, had no means, outside of her \$403.00 FIP allotment, to pay the \$660.00 monthly rental obligation. SER eligibility requires that an individual/group be able to afford the shelter. Because the Claimant was unable to afford the monthly shelter obligation, the SER request was properly denied. In light of the foregoing, it is found that the Department established it 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 the Department acted in accordance with Department policy when it denied the Claimant's SER request.

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Accordingly, it is ORDERED:

The Department's determination is AFFIRMED.

Colleen M. Mamelka

Colleen M. Mamelka
Administrative Law Judge
For Maura Corrigan Director
Department of Human Services

Date Signed: August 22, 2011

Date Mailed: August 22, 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 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.

CMM/cl

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