

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

IN THE MATTER OF:



Eaton County DHS

ADMINISTRATIVE LAW JUDGE: Vicki L. Armstrong

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 received on August 1, 2011. After due notice, a telephone hearing was held on October 6, 2011. Claimant personally appeared and provided testimony.

ISSUE

Did the department properly deny Claimant's State Emergency Relief (SER) application because she had resolved her own emergency?

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 applied for State Emergency Relief (SER) assistance on May 23, 2011. (Department Exhibit 4).
2. On May 31, 2011, the department spoke with Claimant who stated she had moved her property into the apartment on May 29, 2011 and May 30, 2011. (Department Exhibit 11).
3. The department mailed Claimant the SER decision notice on May 31, 2011, indicating her SER request had been denied because she had resolved her own emergency by moving into the rental. (Department Exhibit 13).
4. Eaton County DHS received Claimant's request for a hearing on August 1, 2011, protesting the denial of assistance in paying her rent and security deposit. (Request for a Hearing).

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, Mich Admin Code, Rules 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. Mich Admin Code, Rule 400.903(1). An opportunity for a hearing shall be granted to an applicant who requests a hearing because of a denial. Mich Admin Code, Rule 400.903(2). The department will provide an administrative hearing to review the decision and determine the appropriateness. BAM 600.

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. Mich Admin Code, Rules 400.7001-400.7049. Department of Human Services (DHS or department) policies are found in the State Emergency Relief Manual (SER).

Department policy states that housing affordability is a condition of eligibility for SER and applies only to Relocation Services (ERM 303) and Home Ownership Services and Home Repairs (ERM 304). Housing affordability does not apply to other SER services. ERM 207. In this item, "total housing obligation" means the total amount the SER group must pay for rent, house payment, mobile home lot rent, property taxes and required insurance premiums. SER services are only authorized if the SER group has sufficient income to meet ongoing housing expenses. An SER group that cannot afford to pay their ongoing housing costs plus any utility obligations will not be able to retain their housing, even if SER is authorized. The department is 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.

SER helps to prevent loss of a home if no other resources are available and the home will be available to provide safe shelter for the SER group in the foreseeable future. ERM 304. Covered home ownership services include property taxes and fees. Eligibility requirements direct the department to issue Home Ownership Services payments only to save a home threatened with loss due to mortgage foreclosure, land contract forfeiture, tax foreclosure, or court ordered eviction of a mobile home from land or a mobile home park.

The lifetime home ownership services maximum is \$2,000. The lifetime maximum is the combined cumulative total of all home ownership service payments. Individual services (house payments, property taxes, etc.) do not have separate lifetime maximums.

In this case, the department denied Claimant's SER application on May 31, 2011, because Claimant had resolved her own emergency by moving into the apartment on May 29 and May 30, 2011. Claimant credibly testified that she applied for SER on May 23, 2011, and while she moved her belongings into the new apartment on May 29 and May 30, 2011, she did not actually begin living in the apartment until June 1, 2011.

To determine eligibility, certain conditions must be met before SER can be issued to help individuals and families whose health and safety are threatened:

- 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.

According to policy, SER is not issued to reimburse expenses incurred without prior department approval. On the facts, because Claimant had moved her belongings into the apartment, prior to departmental approval to pay the security deposit and rent, Claimant had resolved her own emergency and was no longer eligible for SER. Therefore, the department properly denied Claimant SER benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department acted in accordance with policy in determining the Claimant's SER eligibility.

Accordingly, the Department's SER eligibility determination is AFFIRMED.

It is SO ORDERED.

/s/

Vicki L. Armstrong
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 10/12/11

Date Mailed: 10/12/11

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 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.

VLA/ds

■ [REDACTED]