

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No.: 20115646
Issue No.: 5026
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: January 18, 2011
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

HEARING DECISION

This matter is before the undersigned Administrative Law Judge upon pursuant to MCL 400. 9; MCL 400.37 upon Claimant's request for a hearing. After due notice, a telephone hearing was held on January 18, 2011. The Claimant appeared and testified.

[REDACTED], FIM and [REDACTED], ES appeared on behalf of the Department.

ISSUE

Was the Department correct in denying Claimant's SER application?

FINDINGS OF FACT

- (1) Claimant applied for SER benefits on August 30, 2010 seeking assistance with past due rent.
- (2) Claimant's application for SER was denied on September 20, 2010 because she did not have sufficient income to meet ongoing housing expenses.
- (3) Claimant earns \$600 per month in employment income.
- (4) Claimant's rental obligation is \$675 per month.

220115646/AM

(5) Claimant requested a hearing on October 18, 2010 contesting 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 applicant's must show they are homeless or potentially homeless. ERM 303 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 is \$600 per month in employment income. Claimant's total housing obligation is \$675 per month. Claimant's total housing obligation was 112.5% of his net countable income. $675/600=1.125$ Therefore, the Department correctly determined that Claimant is not eligible for rental payment

320115646/AM

services through the State Emergency Relief program because she does not have sufficient income to meet ongoing housing expenses. ERM 207.

DECISION AND ORDER

This Administrative Law Judge decides that the Department was correct in the denial of SER benefits, and it is ORDERED that the Department's decision in this regard be and is hereby AFFIRMED.



Aaron McClintic
Administrative Law Judge
For Maura Corrigan Director
Department of Human Services

Date Signed: February 7, 2011

Date Mailed: February 7, 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.

AM/hw

cc:

