

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.: 2011-6301
Issue No.: 5012
Case No.: [REDACTED]
Hearing Date: January 20, 2011
DHS County: Oakland (63-04)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to Michigan Compiled Laws (MCL) 400.9 and 400.37 and Claimant [REDACTED] request for a hearing. After due notice, a telephone hearing was held on January 20, 2011. Claimant appeared and testified. [REDACTED], appeared and testified for the Department of Human Services (DHS). [REDACTED], was also present for DHS.

ISSUE

Whether DHS properly denied State Emergency Relief (SER) benefits to Claimant?

FINDINGS OF FACT

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

1. In September 2010, Claimant lived with his father on [REDACTED].
2. Claimant's father requested rent payments from him, and Claimant left his father's home and stayed with his sister for two nights.
3. Claimant returned to his father's home.
4. On or before October 5, 2010, Claimant applied for SER benefits to assist with relocation expenses.
5. At the time of the application, Claimant was staying with his father.

6. On October 5, 2010, DHS denied Claimant's application for the reason that Claimant did not have a court-ordered eviction notice.
7. On October 29, 2010, Claimant filed a hearing request with DHS.

CONCLUSIONS OF LAW

SER was established by 2004 Michigan Public Acts 344. The SER program is administered according to MCL 400.10, *et seq.*, and by Michigan Administrative Code Rules 400.7001-400.7049. DHS' policies are found in the State Emergency Relief Manual (ERM). This manual is available online at www.michigan.gov/dhs-manuals.

The ERM is the operating manual for the SER program and, accordingly, I look to the manual to determine what policies and procedures DHS must follow. The manual Item applicable in this case is ERM 303, "Relocation Services."

ERM 303 states that the Department's Policy as follows:

RELOCATION SERVICES

DEPARTMENT POLICY

State Emergency Relief (SER) assists individuals and families to resolve or prevent homelessness by providing money for rent, security deposits, and moving expenses. ERM 303, p. 1.

ERM 303 goes on to define four categories of homelessness: living in an emergency shelter or motel, etc.; exiting jail, prison, a juvenile facility etc.; persons eligible for certain government housing programs; and persons in the above situations living temporarily with others. Applying this definition in the case before me, I find and determine that Claimant is not a homeless person according to the definition of ERM 303.

I consider next whether Claimant meets the ERM 303 requirements for emergency assistance in order to *prevent* homelessness. ERM 303 states that DHS provides assistance to prevent homelessness only in the extreme instance where a court has issued an eviction notice or summons. Without a demonstration that a customer is facing court action and that the customer will be homeless without SER, SER benefits are inappropriate and must be denied. *Id.*, p. 5.

Thus, I agree with DHS' denial of SER benefits to Claimant, as an ERM 303 emergency does not exist in this case. I conclude that DHS acted properly and is AFFIRMED in this case. DHS need take no further action with regard to this case.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides and determines that DHS is AFFIRMED in this matter. DHS need take no further action with regard to this case.



Jan Leventer
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: February 1, 2011

Date Mailed: February 2, 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.

JL/pf

cc:

