

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

**IN THE MATTER OF:**



Reg. No: 201125446  
Issue No: 5026  
Case No: [REDACTED]  
Hearing Date: June 8, 2011  
Allegan County DHS

**ADMINISTRATIVE LAW JUDGE:** Kandra Robbins

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37, 7 CFR 273.16, MAC R400.3130, and MAC R400.3178 upon the claimant's request for hearing. After due notice, a telephone conference hearing was held on June 8, 2011. The claimant was present and testified.

**ISSUE**

1. Did the Department properly process claimant's State Emergency Relief (SER) applications for rent filed on January 10, 2011?
2. Did the Department properly process claimant's SER applications for rent filed on February 14, 2011?

**FINDINGS OF FACT**

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

1. The claimant submitted a SER application requesting assistance with rent on January 10, 2011 and again on February 14, 2011. (Department Exhibit 1, pgs 1-5 and pgs.12-16)
2. On January 13, 2011, the claimant was sent a DHS 1419 SER Notice indicating that he did not have a court ordered eviction notice. (Department Exhibit 1, pgs 8-10).
3. On February 14, 2011, the department received verification of employment and shelter expenses. (Department Exhibit 1, pgs 20-24).

4. On February 17, 2011, the claimant was sent a DHS 1419 SER Notice indicating that he was not eligible for SER assistance because his shelter was not affordable. (Department Exhibit 1, pgs. 26-28).
5. On February 3, 2011, the department received the claimant's Request for Hearing protesting the department's determination of his SER applications.

### 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, MAC R 400.901 - .951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. MAC R 400.903(1) An opportunity for a hearing shall be granted to an applicant who requests a hearing because of a denial. MAC R 400.903(2)

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. BAM 600. 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. MAC R 400.7001-400.7049.

Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), Reference Table Manual (RFT), State Emergency Relief Manual (ERM) and the Bridges Reference Manual (BRM).

Department policy states:

#### **ERM 101 DEPARTMENT POLICY**

State Emergency Relief (SER) prevents serious harm to individuals and families. SER assists applicants with safe, decent, affordable housing and other essential needs when an emergency situation arises.

**Requirements** Residence in the state of Michigan is not required. SER serves all persons physically present in Michigan. In addition SER applicants must:

- Complete the application process.
- Meet financial and non-financial requirements.
- Have an emergency which threatens health or safety and can be resolved through issuance of SER.

- Take action within their ability to help themselves, i.e. obtain potential resources and/or apply for assistance.
- Not have caused the emergency (see [ERM 204](#), Client-Caused Emergencies).
- Cooperate in providing information about income, assets, living arrangements, and other persons living in the home.

Deny SER services for applicants who fail to meet any of the above requirements.

### **ERM 303 HOUSING AFFORDABILITY**

Bridges will determine whether the SER group's rental housing is affordable. Approve SER for relocation services only if the group's rental obligation meets the criteria for housing affordability specified in [ERM 207](#).

### **ERM 207 DEPARTMENT POLICY**

Housing affordability is a condition of eligibility for State Emergency Relief (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.

**Requirements** 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. Renters can have a higher “total housing obligation” if heat, electricity and/or water/cooking gas are included. Authorize SER for services only 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.

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 303 Legal Notice**

A court summons, order, or judgment was issued which will result in the SER group becoming homeless.

In this case, the claimant requested assistance with obtaining rent. The Rental Verification completed by the Landlord, Jimmie Chestnut indicated that the rent was \$300.00 per month. The claimant reported working at Chestnut farms. The

employment verification indicated that the claimant earned [REDACTED] per month in income. Department policy requires that a SER application be denied if the group does not have sufficient income to meet the total housing obligation. The total housing obligation cannot exceed 75% of the group's total countable income. ERM 207. The claimant has a total countable income of [REDACTED]0. Therefore, the department properly denied the SER application because the housing obligation exceeds 75% of his income. The claimant does not meet any of the exceptions listed in ERM 207. The department properly processed the claimant's SER application for rent.

The claimant also submitted a SER application requesting rental assistance as the result of an eviction notice. However, he did not have a court order or judgment as required by policy. ERM 303. Therefore, the department properly denied the SER application.

### **DECISION AND ORDER**

This Administrative Law Judge, based upon the above findings and conclusion of law, decides that the Department properly processed the claimant's SER January and February applications for rent.

It is so ORDERED.

/s/

Kandra Robbins  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: June 10, 2011

Date Mailed: June 13, 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.

KR/ar

201125446/KR

CC:

