

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

IN THE MATTER OF:

[REDACTED]

RegNo: 201127793
IssueNo: 5026,1010
CaseNo: [REDACTED]
Hearing Date:
July 30, 2011
Wayne County-57

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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, an in person hearing was held on July 30, 2011. The Claimant appeared and testified. Mr. [REDACTED] ES and [REDACTED] FIM appeared on behalf of the Department.

ISSUE

Was the Department correct in determining Claimant's State Emergency Relief eligibility?

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 SER benefits on October 25, 2010 seeking assistance with outstanding rent.
- (2) Claimant has employment income of \$800.
- (3) Claimant's rent obligation was \$635.
- (4) Claimant's application for SER was denied because the housing was deemed unaffordable.

- (5) Claimant requested a hearing on November 9, 2010 contesting the denial of SER benefits.
- (6) Claimant applied for FIP benefits on January 7, 2011 and January 17, 2011.
- (7) Claimant's FIP application was processed and benefits were active effective February 1, 2011 pursuant to Department policy.
- (8) Claimant alleged at hearing that she submitted an application for FIP on December 27, 2011 and presented a FAP redetermination as evidence that she did so.
- (9) Claimant alleged that she signed the log book when she submitted the FIP application.
- (10) The Department had no notation in the log book from Claimant regarding a FIP application.
- (11) The Claimant provided insufficient evidence that a December 27, 2011 application was presented.
- (12) Claimant requested hearing on March 1, 2011. This request for hearing references a January 2011 application and makes no reference to a December 2011 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. Department policy defines affordability: 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

The Family Independence program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601, *et seq.* The Department of Human Services (DHS or Department) administers the FIP program pursuant to MCL 400.10, *et seq.*, and

MAC R 400.3101-3131. The FIP program replaced the Aid to Dependant Children (ADC) program effective October 1, 1996. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference manual (PRM). **Initial Benefits FIP and SDA Only (Not AMP)** Provided the group meets all eligibility requirements, begin assistance in the pay period in which the application becomes 30 days old. If the application becomes 30 days old and the group has **not** met eligibility requirements, begin assistance for the first pay period when it does. Bridges issues initial benefits as appropriate. BAM 115


In the present case, Claimant has \$800 in employment income. Claimant's rent was \$635. Claimant's total housing obligation is 79.375% of her net countable income, more than 75%. ERM 207 Therefore the Department's denial of State Emergency Relief due to lack of affordability is proper and correct. Claimant argued at hearing that she could have been working more hours and stated that she submitted a statement from her employer to that effect. The income calculation for affordability is based on actual earnings at the time of application.

In the present case, with regard to Claimant's FIP application, Claimant filed two applications for FIP benefits in January 2011 one of these applications was processed and Claimant was awarded FIP benefits effective February 1, 2011. This was consistent with Department policy, proper and correct. BAM 115 Claimant alleged that she filed a FIP application on December 27, 2010. Claimant alleged that she signed the log book regarding that application. The Department's log book did not reflect this. It is curious that in Claimant's request for hearing she makes no mention of a December 2010 application and makes specific mention of her January application and that fact that she was "denied for January". Claimant's testimony regarding an alleged December 2010 application was less than credible.

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.

This Administrative Law Judge further finds that the Department was in correct in the processing of Claimant's FIP application, 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

2011-28444/AM

Date Signed: July 11, 2011

Date Mailed: July 11, 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 60 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.

AM/ctl

cc:

[REDACTED]

Wayne County DHS (57)

[REDACTED]