

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

IN THE MATTER OF:



Reg. No.: 2011-31021
Issue No.: 5026
Case No.: [REDACTED]
Hearing Date: June 29, 2011
DHS County: Macomb (50-36)

ADMINISTRATIVE LAW JUDGE: Andrea J. Bradley

HEARING DECISION

This matter is before the undersigned Administrative Law Judge upon the Claimant's request for a hearing made pursuant to Michigan Compiled Laws 400.9 and Michigan Compiled Laws 400.37, which govern the administrative hearing and appeal process. After due notice, a telephone hearing was conducted from Detroit, MI, on June 29, 2011. The Claimant appeared and testified. [REDACTED] appeared and testified on behalf of the Department of Human Services (Department).

ISSUE

Whether the Department properly denied Claimant's request for State Emergency Relief (SER) benefits for rent assistance.

FINDINGS OF FACT

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

1. On February 11, 2011, Claimant applied for SER assistance.
2. In support of her application, Claimant submitted a Judgment dated February 11, 2011, ordering her to either pay \$1,759.00 by February 22, 2011, or move out of the Subject Premises.
3. Claimant's February 11, 2011, application was incorrectly denied on February 14, 2011.
4. On February 25, 2011, Claimant submitted a second SER application.

5. Based on this second application, which the Department was unable to produce, Claimant was approved for the requested SER rent assistance and given a copay of \$1,771.00 which was due on or before March 26, 2011.
6. On or around March 4, 2011, Claimant was evicted from the Subject Premises.
7. Claimant did not pay the copayment on or before March 26, 2011, because she no longer resided at the Subject Premises.

CONCLUSIONS OF LAW

The 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 State Emergency Relief Manual (ERM).

SER prevents serious harm to individual and families to resolve or prevent homelessness by providing money for rent, among other things. ERM 303, p. 1. However, SER group members must use their available income and cash assets that will help resolve the emergency. ERM 208, p.1. The Department considers the income and assets of the SER group and determines a copayment amount. ERM 208, p. 1. The total copayment is the amount the SER group must pay toward their emergency. Copayment amounts are deducted from the cost of resolving the emergency. ERM 208, p. 1.

In this case, the Department calculated Claimant's copayment for the second SER application to be \$1,771.00 which had to be paid on or before March 26, 2011, in order for the Department to then issue a SER payment in the amount of \$416.00. The evidence showed that Claimant made an initial application for SER rent assistance on February 11, 2011, which was the same day she received an order of eviction from the court. The evidence further showed that the Claimant's landlord would only accept payment on or before February 22, 2011, or else Claimant was ordered to move out of the Subject Premises. The Department testified that the February 11, 2011, application was incorrectly denied on February 14, 2011. The Claimant diligently followed up by submitting a new SER application on February 25, 2011. It was not until March 2, 2011, that the Claimant's SER application was correctly processed.

Time was of the essence in this case, as is the case in most SER relocation service cases, but the Department incorrectly denied the Claimant's February 11, 2011, application which was during the period that Claimant still had an opportunity to pay the rent arrearage. The testimony established that Claimant was evicted on or around March 4, 2011, which was before the copayment was due on the second SER


application and before SER assistance would have issued. Therefore, the SER assistance sought would not have resolved the emergency. It is regrettable that the Claimant's February 11, 2011, was incorrectly processed. However, under these facts, Claimant was not entitled to receive SER relocation services for the February 25, 2011, request due to her failure to pay the copayment and the Department acted in accordance with Department policy when it denied the Claimant's SER application. Accordingly, the Department's actions are upheld.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, finds that the Department established it acted in accordance with Department policy when it denied the Claimant's February 25, 2011 SER application.

Accordingly, it is ORDERED:

The Department's denial of the Claimant's SER application is AFFIRMED.



Andrea J. Bradley
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: July 13, 2011

Date Mailed: July 14, 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.

2011-31021/AJB

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.

AJB/pf

cc:

