

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: [REDACTED]
Issue No.: 5026
Case No.: [REDACTED]
Hearing Date: October 10, 2011
County: Macomb (20)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on October 10, 2011, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of Department of Human Services (Department) included Anthony Gennari, Eligibility Specialist, and Ashley Brown, Eligibility Specialist.

ISSUE

Did the Department properly deny Claimant's request for State Emergency Relief (SER) assistance with shelter emergency?

FINDINGS OF FACT

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

1. Claimant applied for SER assistance with shelter emergency.
2. On July 1, 2011, the Department sent notice of the application denial to Claimant.
3. On July 11, 2011, the Department received Claimant's hearing request, protesting the SER denial.

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, 1999 AC, Rule

400.7001 through Rule 400.7049. Department policies are found in the State Emergency Relief Manual (ERM).

Additionally, housing affordability is a condition of eligibility for SER benefits for housing relocation or home ownership services or repairs. ERM 207. Housing is not affordable for the client if the total housing obligation exceeds 75 percent of the SER group's total net countable income. ERM 207.

In this case, the Department testified that Claimant applied for SER relief on August 22, 2011, and it considered Claimant's monthly income for August 2011 in assessing the affordability of her housing. However, the Notice of Case Action denying Claimant's SER application was dated July 1, 2011. Thus, Claimant's SER application at issue had to be dated on or prior to July 1, 2011. The countable income period for assessing Claimant's SER application should have considered her income for the thirty days beginning on the date of her application. ERM 206. In this case, the Department failed to produce any evidence showing how Claimant's housing was unaffordable during the thirty days beginning at the time of an application made on or before July 1, 2011. Claimant testified that she lost her job on [REDACTED], but the Department testified that Claimant continued to be employed until July 9, 2011 and received an income until July 25, 2011. Because the Department failed to produce evidence to support its finding in the July 1, 2011 SER Decision Notice that Claimant's housing was not affordable at that time, the Department's decision to deny Claimant's application for SER assistance was not in accordance with Department policy.

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that the Department properly denied improperly denied Claimant's SER application for assistance with shelter emergency.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department did act properly. did not act properly.

Accordingly, the Department's decision is AFFIRMED REVERSED for the reasons stated on the record.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reregister Claimant's SER application dated on or prior to July 1, 2011;
2. Begin reprocessing Claimant's application;

3. Notify Claimant in writing of the Department's decision in accordance with Department policy.



Alice C. Elkin
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 10/14/11

Date Mailed: 10/14/11

NOTICE: Michigan Administrative Hearing System (MAHS) 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. MAHS 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 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.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
 - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at
Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

ACE/dj

cc:

