

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.: 2011-8049
Issue No.: 5026
Case No.: [REDACTED]
Hearing Date: February 22, 2011
DHS County: Wayne (82-18)

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 February 22, 2011. Claimant appeared and testified. [REDACTED], and [REDACTED], [REDACTED], appeared and testified on behalf of the Department of Human Services (DHS).

ISSUE

Whether DHS denied State Emergency Relief (SER) rent assistance to Claimant in accordance with DHS policy and procedures?

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. Before November 1, 2010, Claimant's landlord presented her with a Demand for Nonpayment of Rent, which stated that the landlord "may" go to court for a court order.
2. Before November 1, 2010, Claimant applied for SER benefits with DHS for assistance with her rent.
3. Claimant failed to present to DHS an eviction notice or summons from a court of law.
4. Claimant's landlord offered to "work with her" with regard to nonpayment of rent.

5. Claimant was not evicted.
6. On November 1, 2010, DHS issued a State Emergency Relief Decision Notice which denied Claimant's SER request.
7. On November 12, 2010, Claimant filed a hearing request with DHS.

CONCLUSIONS OF LAW

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

ERM is the authoritative source for DHS policies and procedures required in the administration of the SER program and, accordingly, I look to ERM to determine what is required of the parties in this situation. The manual section that I believe is applicable in this case is ERM Item 303, "Relocation Services." The Department Policy is stated at the very beginning of ERM 303 and is as follows:

RELOCATION SERVICES

DEPARTMENT POLICY

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

I read this sentence to mean that in order to receive rent assistance, Claimant must be either (1) homeless already and needing to resolve the situation, or, (2) she must have shelter now but is needing to prevent homelessness. In this case, as Claimant is not already homeless, Claimant is eligible for rent assistance only if she can prove she needs to prevent homelessness.

Homelessness has a special meaning which is stated in ERM 303. It says that if the customer has a place to live, they can prove they are about to become homeless by presenting one of the following documents:

A court summons, order or judgment...which will result in the SER group becoming homeless. *Id.*, p. 3.

In the case before me, I find and decide that Claimant has not presented a document from a court of law. Without such a document, I find and determine that Claimant is not

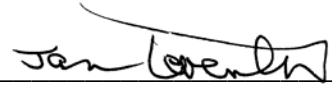
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within the category of people defined in ERM 303, and Claimant is ineligible for SER benefits.

In conclusion, based on the findings of fact and conclusions of law above, I determine and conclude that DHS is AFFIRMED. DHS need take no further action in this case.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, decides that DHS acted correctly in denying SER benefits to Claimant. DHS is AFFIRMED. IT IS ORDERED that DHS need take no further action in this case.



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

Date Signed: March 1, 2011

Date Mailed: March 3, 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:

