

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.: 20118202
Issue No.: 5008; 5026
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: January 31, 2011
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

HEARING DECISION

This matter is before the undersigned Administrative Law Judge upon pursuant to MCL 400. 9; MCL 400.37 upon Claimant's request for a hearing. After due notice, a telephone hearing was held on January 31, 2011. The Claimant appeared and testified. [REDACTED] appeared on behalf of the Department.

ISSUE

Was the Department correct in denying Claimant's SER application?

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 August 30, 2010 seeking assistance with security deposit.
- (2) Claimant receives \$717 per month in FIP benefits.

220118202/AM

- (3) Claimant submitted verification showing rent of \$717 with a notation stating that Claimant's rental contribution and the section 8 contribution had not yet been determined.
- (4) Claimant's rental obligation is \$675 per month.
- (5) Claimant's application for SER was denied on October 7, 2010 because she did not have sufficient income to meet ongoing housing expenses.
- (6) Claimant requested a hearing on October 10, 2010 contesting the denial of her SER application.
- (7) A second verification checklist was sent to Claimant with a November 9, 2010 due date. This checklist requested information regarding rental obligation. This checklist was not dated.
- (8) Claimant submitted the requested verifications on November 12, 2010, showing \$0 rental contribution.
- (9) Claimant has not paid the security deposit.

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").

320118202/AM

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. In order to receive benefits for relocation services applicant's must show they are homeless or potentially homeless. ERM 303. 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.

Clients must cooperate with the local office in determining initial and ongoing eligibility to provide verification. BAM 130, p. 1. The questionable information might be from the client or a third party. Id. The Department can use documents, collateral contacts or home calls to verify information. Id. The client should be allowed 10 calendar days to provide the verification. If the client cannot provide the verification despite a reasonable effort, the time limit to provide should be extended at least once. BAM 130, p.4; BEM 702. If the client refuses to provide the information or has not made a reasonable effort within the specified time period, then policy directs that a negative action be issued. BAM 130, p. 4. Before making an eligibility determination, however, the department must give the client a reasonable opportunity to resolve any discrepancy between his statements and information from another source. BAM 130, p. 6.

In the present case, Claimant's SER application was denied on October 7, 2010 because she did not have sufficient income to meet ongoing housing expenses. The Department used the full rental obligation of \$717 in making this determination because

420118202/AM

the Section 8 contribution had not been verified. A new checklist was sent to Claimant with a November 9, 2010 due date, in effect reopening the original SER application. However, the verification checklist was not dated. Since the checklist was not dated, it cannot be determined whether the Department gave Claimant the requisite 10 days to respond. BAM 130. Therefore the denial for failing to return verification was improper and incorrect. Claimant sent in verification on November 12, 2010 showing that she had \$0 rental contribution, affordability is not a valid reason for denial where Claimant has no rental obligation.

DECISION AND ORDER

This Administrative Law Judge decides that the Department was incorrect in the denial of SER benefits, and it is ORDERED that the Department's decision in this regard be, and is, hereby REVERSED. Claimant's SER application shall be reinstated and reprocessed, taking into consideration the verification of \$0 rental contribution submitted by Claimant on November 12, 2010.



Aaron McClintic
Administrative Law Judge
For Maura Corrigan Director
Department of Human Services

Date Signed: February 11, 2011

Date Mailed: February 11, 2011

520118202/AM

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 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.

AM/hw

cc:

A large black rectangular redaction box covers the names of the individuals listed in the 'cc:' field. The redaction is complete, obscuring all text underneath.