

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.: 5030  
Case No.: [REDACTED]  
Hearing Date: January 26, 2012  
County: Kalamazoo County DHS

**ADMINISTRATIVE LAW JUDGE:** Corey A. Arendt

**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 January 26, 2012, from Lansing, Michigan. Participants on behalf of Claimant included Lisa Spencer. Participants on behalf of Department of Human Services (Department) included [REDACTED]

**ISSUE**

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

**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 August 3, 2011, the Claimant moved into a residence at [REDACTED] in [REDACTED]
2. On October 18, 2011, the Claimant submitted to the Department an application requesting SER. The application sought a security deposit for the residence at [REDACTED].
3. On October 28, 2011, the Department denied the Claimant's October 18, 2011 SER application.
4. On October 27, 2011, the Claimant requested a hearing.

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

State Emergency Relief (SER) assists individuals and families to resolve or prevent homelessness by providing money for rent, security deposits, and moving expenses. However, the Department is to authorize relocation services ONLY if the SER group is homeless.

The definition of homeless includes:

- Persons living in an emergency shelter or motel, in HUD-funded transitional housing for homeless persons who originally came from the street, in a car on the street or in a place unfit for human habitation and there is no housing they can return to. Groups who voluntarily left their home, but can return without a threat to their health or safety, are not homeless.
- Persons exiting jail, prison, a juvenile facility, a hospital, a medical setting, foster care, a substance abuse facility or a mental health treatment setting with no plan or resources for housing and no housing to return to.
- Persons who meet the eligibility requirements for one of the following homeless assistance programs:
  - Homeless Assistance Recovery Program (HARP).
  - Transitional Supportive Housing Leasing Assistance Program (TSHLAP).
  - Transition In Place Leasing Assistance Program (TIPLAP).
  - Rapid Re-Housing Leasing Assistance.
  - Temporary Basic Rental Assistance (TBRA) funded by MSHDA.

In this case, the Claimant by definition is not considered homeless and therefore is not eligible for SER relocation services.

Based upon the above Findings of Fact and Conclusions of Law, I find the Department properly denied the Claimant's SER application.

### **DECISION AND ORDER**

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The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, find the Department did act appropriately in this matter.

Accordingly, the Department's decision is **AFFIRMED**.

/s/

Corey A. Arendt  
Administrative Law Judge  
For Maura Corrigan, Director  
Department of Human Services

Date Signed: January 26, 2012

Date Mailed: January 26, 2012

**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

CAA/cr

cc:

