

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201219889
Issue No: 5012
Case No: [REDACTED]
Hearing Date: May 1, 2012
Oakland County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on November 28, 2011. After due notice, a telephone hearing was held on Tuesday, May 1, 2012.

ISSUE

Whether the Department of Human Services (Department) properly determined that the Claimant's was not eligible for relocation services under the State Emergency Relief (SER) program?

FINDINGS OF FACT

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

1. The Claimant submitted a State Emergency Relief (SER) application for relocation services on October 13, 2011.
2. The Claimant requested State Emergency Relief (SER) benefits in the amount of [REDACTED] to prevent eviction.
3. On December 8, 2011, the Department denied the State Emergency Relief (SER) application.
4. The Department received the Claimant's request for a hearing on November 28, 2011, protesting the denial of relocation services.

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. Family Independence Agency (FIA or agency) policies are found in the State Emergency Relief Manual (ERM).

On October 13, 2011, the Claimant submitted an State Emergency Relief (SER) application requesting relocation services. The Claimant requested State Emergency Relief (SER) benefits in the amount of [REDACTED] to prevent [REDACTED]. On December 8, 2011, the Department denied the State Emergency Relief (SER) application.

The Department's representative testified that the Claimant was not eligible for relocation services because she had fallen behind on her rent payments.

The Department will accept the decision of the SER group regarding use of the relocation funds authorized. The issuance amount must resolve the group's shelter emergency. The Department will authorize any combination of the following services:

- First month's rent.
- Rent arrearage.
- Mobile home lot rent for owners or purchasers.
- Mobile home lot rent for renters.
- Security deposit.
- Moving expenses.

The Department will approve an SER application for relocation services only if the group's rental obligation meets the criteria for housing affordability. ERM 303.

The Department's policy authorizes the Department to grant SER benefits for relocation services for rent arrearage. This Administrative Law Judge finds that the Department failed to establish that it properly found the Claimant's housing to be unaffordable, or that it properly denied the Claimant's State Emergency Relief (SER) application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department failed to establish that it properly determined the Claimant's eligibility for State Emergency Relief (SER) benefits in accordance with policy.

Accordingly, the Department's State Emergency Relief (SER) eligibility determination is **REVERSED**. It is further ORDERED that the Department shall:

1. Initiate a determination of the Claimant's eligibility for State Emergency Relief (SER).
2. Provide the Claimant with written notification of the Department's revised eligibility determination.
3. Issue the Claimant any retroactive benefits she may be eligible to receive, if any.

/s/

Kevin Scully
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: May 11, 2012

Date Mailed: May 11, 2012

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 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.

KS/tb

cc:

