

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

IN THE MATTER OF:



Reg. No.: 2012-22108
Issue No.: 5026
Case No.: [REDACTED]
Hearing Date: May 30, 2012
County: Oakland (04)

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 May 30, 2012, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of Department of Human Services (Department) included [REDACTED], Assistance Payment Worker.

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. On November 2, 2011, Claimant applied for SER assistance with shelter emergency.
2. On November 7, 2011, the Department sent notice of the application denial to Claimant.
3. On December 6, 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, in a November 7, 2011, SER Decision Notice, the Department denied Claimant's November 2, 2011, SER application for assistance with rent arrearage on the basis that Claimant's housing was not affordable.

Housing affordability is a condition of eligibility for SER benefits for housing relocation services, which include payment of rent arrearage. ERM 207; ERM 303. In order to determine whether a client's housing is affordable, the Department must multiply the group's total net countable income by seventy-five percent. ERM 207. The result is the maximum total rent the client can have and be eligible to receive SER rent assistance. ERM 207. In this case, Claimant's monthly rental obligation was \$540. Thus, Claimant would be required to establish monthly gross income at or exceeding \$720 in order for his housing to be affordable.

In determining Claimant's total net countable income, the Department must consider the income that Claimant will receive or is expected to receive during the 30 day countable period beginning on the date the SER application is received by the local office. ERM 206. In this case, in calculating Claimant's total net countable income, the Department relied on Claimant's statement in his SER application that he had received no income from August 2011 ongoing. At the hearing, Claimant conceded that he had no income and credibly testified that he had some significant health issues that prevented him from obtaining employment until he sufficiently recovered.


Under ERM 207, the Department is required to deny any SER application where the client does not have sufficient income to meet the total housing obligation and the client's housing fails the affordability test. Exceptions to the affordability requirement are available only to clients who have vouchers from the Homeless Assistance Recovery Program (HARP), Transitional Supportive Housing Leasing Assistance Program (TSHLAP), Transition In Place Leasing Assistance Program (TIPLAP), Rapid Re-Housing Leasing Assistance, or Temporary Basic Rental Assistance (TBRA) funded by MSHDA. Unfortunately, there is no exception to the affordability requirement available to clients experiencing unexpected financial hardships. In this case, where Claimant had no income and there was no evidence that he had a voucher from one of the foregoing programs, the Department acted in accordance with Department policy when it denied Claimant's SER application on the basis that his housing was unaffordable.

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 above and on the record.


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

Date Signed: June 5, 2012

Date Mailed: June 5, 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

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cc:

