

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 2012-29922
Issue No: 5032
Case No: [REDACTED]
Hearing Date: March 22, 2012
County: Muskegon

ADMINISTRATIVE LAW JUDGE: C. Adam Purnell

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the DHS client's (also referred to as "Claimant's") request for a hearing received on January 23, 2012. After due notice, a telephone hearing was held on March 22, 2012. Claimant personally appeared and provided testimony. Participants on behalf of Department of Human Services (Department) included [REDACTED] and [REDACTED].

ISSUE

Did the Department properly deny Claimant's State Emergency Relief (SER) application for housing assistance because the housing was not affordable and because Claimant did not provide Work First (WF) tickets?

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 State Emergency Relief (SER) assistance seeking temporary housing assistance, electricity and gas on January 4, 2012.
2. Claimant did not attach any documents, receipts or bills to the January 4, 2012 SER application.
3. On January 10, 2012, the Department mailed Claimant SER Decision Notices (DHS-1419) where the Department: (1) approved the request for gas assistance; (2) denied electricity assistance because Claimant did not include a shut-off notice; (3) requested Claimant provide tickets from Michigan Works in order to process her request for housing assistance; and (4) indicated that Claimant's shelter was not affordable.

4. The department received Claimant's request for a hearing on January 23, 2012.

CONCLUSIONS OF LAW

The regulations that govern the hearing and appeal process for applicants and recipients of public assistance in Michigan are contained in the Michigan Administrative Code (Mich Admin Code) Rules 400.901 through 400.951. An opportunity for a hearing shall be granted to a recipient who is aggrieved by an agency action resulting in suspension, reduction, discontinuance, or termination of assistance. Mich Admin Code 400.903(1).

The client has the right to request a hearing for any action, failure to act or undue delay by the department. BAM 105. The department provides an administrative hearing to review the decision and determine its appropriateness. BAM 600.

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. See Michigan Administrative Code (Mich Admin Code) Rule 400.7001-400.7049. Department of Human Services (DHS or department) policies are found in the State Emergency Relief Manual (SER).

The SER program assists individuals and families to resolve or prevent homelessness by providing money for rent, security deposits, and moving expenses. ERM 303. The Department will accept the decision of the SER group regarding use of the relocation funds authorized. ERM 303. The issuance amount must resolve the group's shelter emergency. ERM 303. The Department will authorize any combination of the following services: (1) first month's rent; (2) rent arrearage¹; (3) security deposit and (4) moving expenses (to relocate household effects). ERM 303.

In order to be eligible for SER relocation services, an applicant must be "homeless." ERM 303. Homelessness is defined as: emergency shelter, motel, HUD-funded transitional housing, exiting jail, prison, a juvenile facility, hospital, medical setting, foster care, substance abuse treatment center or mental health facility with no plan or resources for housing and no housing to return to. ERM 303.

Housing affordability is a condition of eligibility for SER. ERM 207. The Department will authorize SER for services only if the SER group has sufficient income to meet ongoing housing expenses. ERM 207. If the SER group does not have sufficient income to meet total housing obligations, the Department will deny eligibility. ERM 207. The total housing obligation cannot exceed 75 (seventy-five) percent of the group's total net countable income. ERM 207.

In order to be eligible for the Temporary SER Housing Assistance Program, the client must attend, in person, an orientation and training program at their local Michigan

¹ Mobile home lot rent for renters is a relocation service covered by ERM 303. Mobile home lot rent for owners or purchasers is a home ownership service found in ERM 304. See ERM 303.

Works! (MW) office. The client must utilize the services of the local MW at least once per week during 3 (three) consecutive months. Each eligible person must also make a personal appearance at the local MW office at least once per week. MW will provide each eligible person with a ticket which is verification of their attendance. In turn, the individual must submit the ticket to their DHS case worker, as part of the verification process in order to receive temporary SER Housing Assistance. Should the client fail to do any of the above, he or she will not be eligible for housing assistance.

Here, Claimant admits that she did not attend the MW appointments and training and concedes that she failed to provide the Department with MW tickets. Claimant states she was in college and working at the time. Claimant did not provide good cause for her failure to attend and then later provide the Department with verification of her attendance in the form of tickets. Therefore, Claimant was not eligible for housing assistance.

Accordingly, this Administrative Law Judge finds, based on the material and substantial evidence presented during the hearing, that the Department properly denied Claimant's SER eligibility for the reasons stated above.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department acted in accordance with policy in determining the Claimant's SER eligibility.

The Department's SER eligibility determination is AFFIRMED.

IT IS SO ORDERED.

/s/

C. Adam Purnell
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 4/2/12

Date Mailed: 4/2/12

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.

CAP/ds

cc:

