

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201244048
Issue No.: 5012
Case No.: [REDACTED]
Hearing Date: October 17, 2012
County: Genesee-02 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 October 17, 2012, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] and [REDACTED] (Legal Services). Participants on behalf of Department of Human Services (Department) included [REDACTED] and [REDACTED].

ISSUE

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

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 October 14, 2011, Claimant applied for SER assistance.
2. On October 20, 2011, the Department sent notice of the application denial to Claimant.
3. On October 28, 2011, the Claimant requested a hearing to protest the October 20, 2011 SER denial.
4. On February 14, 2012, a hearing took place to address and resolve the Claimant's disagreement with the Department's decision to deny the Claimant's October 14, 2011 application for SER.

5. On March 9, 2012, ALJ [REDACTED] [REDACTED] issued a decision notice finding against the Department and ordering the Department to redetermine the Claimant's eligibility for SER beginning October 14, 2011 and to provide the Claimant with SER assistance if she is entitled.
6. At some point in time between March 9, 2012 and March 23, 2012, the Department redetermined the Claimant's eligibility for SER.
7. On approximately March 13, 2012, the Department sent the Claimant a notice of case action. The notice indicated the Claimant was ineligible for SER.
8. On March 23, 2012, the Claimant requested a hearing to dispute the Department's subsequent denial of SER benefits.

CONCLUSIONS OF LAW

The State Emergency Relief (SER) program is established by 2004 PA 344. The SER program is administered pursuant to MC L 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).

Housing affordability is a condition of eligibility for State Emergency Relief (SER) and applies only to Relocation Services (ERM 303) and Home Ownership Services and Home Repairs (ERM 304). Housing affordability does not apply to other SER services. (ERM 207).

Authorize SER for services only if the SER group has sufficient income to meet ongoing housing expenses. An SER group that cannot afford to pay their ongoing housing costs plus any utility obligations will not be able to retain their housing, even if SER is authorized. Deny SER if the group does not have sufficient income to meet their total housing obligation. The total housing obligation cannot exceed 75 percent of the group's total net countable income. (ERM 207).

In this case, the Department was unprepared for the hearing and did not have any information regarding the second SER determination as ordered by ALJ [REDACTED]. Because I was unable to review the applicable budgets and was not provided any evidence regarding the subsequent determination, I have no choice but to reverse the Department as I am unable to determine whether or not the Department's actions were in conformity with the applicable laws and policies.

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, I find the Department improperly denied the Claimant's application for SER.

DECISION AND ORDER

I find, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, find the Department did not act properly.

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

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Initiate a redetermination as to the Claimant's eligibility for SER beginning October 14, 2011 and issue retroactive benefits if otherwise eligible and qualified.

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

Date Signed: October 18, 2012

Date Mailed: October 18, 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 affect the substantial rights of the claimant:
 - the failure of the ALJ to address other relevant issues in the hearing decision.

201244048/CAA

Request must be submitted through the local DHS office or directly to MAHS by mail at

Michigan Administrative hearings
Re consideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

CAA/las

cc:

