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

### IN THE MATTER OF:



 Reg. No.:
 2012-65258

 Issue No.:
 5026

 Case No.:
 Hearing Date:

 March 6, 2013
 Wayne (35)

### ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

# **HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claim ant's request for a hearing. After due notice, a telephone hearing was held on Marc h 6, 2013, from Detroit, Mi chigan. Participants on behalf of Claimant included the Claimant and the Claimant's Authorized Representative (AR), Parti cipants on behalf of the Department of Hum an Services (Department) included

### **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 t he competent, material, and substantial evidence on the whole record, finds as material fact:

- 1. On July 2, 2012, Claimant applied for SER assistance with shelter emergency.
- 2. On July 2, 2012, the Department sent notice of the application denial to Claimant.
- 3. On July 17, 2012, the Department rece ived Claimant's hearing request, protesting the SER denial.

### CONCLUSIONS OF LAW

The State Emergency Relief (S ER) 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 polic ies are found in the State Emergency Relief Manual (ERM).

Additionally, at the hearing the policy for rent SER was discussed and explained to the Claimant and his AR.

Authorize SER for services only if the SER group has sufficient income to meet ongoing housing e xpenses. 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 no t have sufficient income to meet their total housing ob ligation. The total housing obligation cannot exc eed 75 perc ent of the group's total net countable income. (ERM 207, p 1; April 1, 2011).

In the instant case the Claimant had no income; therefore, his hous ing was not affordable.

Based upon the abov e Findings of Fact and Conclus ions 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  $\square$  did act properly.  $\square$  did not act properly.

Accordingly, the Department's decision is AFFIRMED REVERSED for the reasons stated on the record.

**Michael J. Bennane** Administrative Law Judge for Maura Corrigan, Director Department of Human Services

Date Signed: April 22, 2013

Date Mailed: April 22, 2013

**NOTICE**: Michigan Administrative Hearing S ystem (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a par ty within 30 days of the mailing date of this Dec ision and Order . MAHS will not order a rehearing or reconsideration on the Department's mo tion where the final decis ion 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 ti mely 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 <u>MAY</u> be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration <u>MAY</u> 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:
  - 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

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

### MJB/cl

