

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 2012-29503  
Issue No.: 5026  
Case No.: [REDACTED]  
Hearing Date: May 29, 2012  
County: Wayne (19)

**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 29, 2012, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of Department of Human Services (Department) included [REDACTED], Eligibility Specialist.

**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 September 1, 2011, Claimant applied for SER assistance with shelter emergency.
2. The total amount due to prevent Claimant's eviction was \$2088.32.
3. On September 13, 2011, the Department sent Claimant a SER Decision Notice advising her that it would pay \$481.47 towards the amount needed to remedy her shelter emergency upon her verifying payment of a \$1606.85 copayment.

4. On October 25, 2011, the Department sent Claimant a SER Decision Notice advising her that it would pay \$220.51 towards the amount needed to remedy her shelter emergency upon her verifying payment of a \$1867.81 copayment.
5. On January 11, 2012, 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 this case, the Department initially sent Claimant a September 13, 2011, SER Decision Notice informing her that her September 1, 2011, application for SER assistance to prevent eviction was approved and that upon her payment of a \$1606.85 income/asset copayment, the Department would pay \$481.47 towards her shelter emergency. On October 25, 2011, the Department sent Claimant a SER Decision Notice informing her that upon her payment of a \$1867.81 income/asset copayment, the Department would pay \$220.51 towards her shelter emergency. Claimant confirmed that the Department paid \$220.51 to her landlord but requested a hearing seeking payment of the difference between the \$481.47 the Department agreed to pay in the September 13, 2011 SER Decision Notice and the amount it actually paid pursuant to the October 25, 2011, SER Decision Notice.

ERM 208 provides that the Department may not increase an income copayment once a copayment has been determined and the client has been notified of the amount. In this case, Claimant testified that after she received the September 13, 2011, SER Decision Notice, she was able to obtain assistance from [REDACTED], a community organization, which agreed to pay \$1200 towards her copayment and an additional \$100 towards her October 2011 rent. The Department testified that it received verification from Claimant's landlord of [REDACTED] payment. The landlord also notified the Department that Claimant had paid \$407 towards the copayment to avoid eviction and had made four additional payments during the month of September 2011 totaling \$404 to be applied towards her October 2011 rent. When it received the landlord's statement, the Department testified that it considered the total \$1300 paid by [REDACTED] and the \$811 paid by Claimant, recalculated the copayment amount, and sent Claimant the October 25, 2011 SER Decision Notice notifying her that it would pay \$220.51 upon confirmation of her payment of a \$1867.81 copayment. The Department did not act in accordance with Department policy when it issued the October 25, 2011 SER Decision Notice increasing Claimant's copayment to \$1867.81 after it had notified her of the \$1606.85 copayment in the September 13, 2011 SER Decision Notice.

It should be noted that each of the Notices sent by the Department covers a different 30-day time span. If a client fails to provide verification to the Department that the

copayment has been paid within the 30-day eligibility period, the client must reapply for benefits. ERM 103; ERM 208. However, the Department did not allege at the hearing that Claimant's verification of payment of her copayment in connection with the September 13, 2011 Decision Notice was not timely received or inadequate or that Claimant had reapplied for SER assistance after September 30, 2011. Thus, the Department presented no justification for its recalculation of Claimant's copayment and issuance of the October 25, 2011 SER Decision Notice.

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.

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

1. Reregister Claimant's September 1, 2011 SER application;
2. Issue payment to Claimant's landlord of amounts the Department agreed to pay in the September 13, 2011 SER Decision Notice sent to Claimant, less any amounts the Department did in fact pay.



**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

ACE/cl

cc:

