

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

IN THE MATTER OF:



Reg. No: 201245789
Issue No: 5025
Case No: [REDACTED]
Hearing Date: August 2, 2012
Washtenaw County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on April 11, 2012. After due notice, a telephone hearing was held on August 2, 2012.

ISSUE

Whether the Department of Human Services (Department) properly determined the Claimant's State Emergency Relief (SER) eligibility?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

1. On April 4, 2012, the Claimant submitted an application for State Emergency Relief (SER) and requested assistance with his delinquent rent.
2. The Claimant reported to the Department that he was not receiving any income.
3. On April 12, 2012, the Department notified the Claimant that it had denied his application for State Emergency Relief (SER) assistance because his housing is unaffordable.
4. The Department received the Claimant's request for a hearing on April 11, 2012, protesting the denial of his State Emergency Relief (SER) application.

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 final administrative rules filed with the Secretary of State on October 28, 1993. MAC R 400.7001-400.7049. Family Independence Agency (FIA or agency) 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).

The Department will determine whether an SER group meets the Housing Affordability requirement by multiplying the benefit group's total net countable income by 75 percent and the result is the maximum total housing obligation the group can have based on their income and be eligible for SER housing services.

In this case, the Claimant submitted a State Emergency Relief (SER) application on April 4, 2012. The Claimant had requested assistance with his delinquent rent payments. The Claimant reported on his application for assistance that he receives no income. On April 12, 2012, the Department denied the Claimant's application for State Emergency Relief (SER) benefits because it determined that his housing is unaffordable.

The Claimant argued that the Department was aware that he had a pending unemployment compensation hearing where he was likely to succeed. The Claimant argued that his housing was not unaffordable based on the likelihood he would receive unemployment benefits in the future.

This Administrative Law Judge finds that the Claimant failed to establish that he had provided the Department with sufficient verification of his future income at the time of his application for benefits. Based on the evidence and testimony available during the hearing, the Department has established that it properly determined that the Claimant's housing was not affordable and that it properly denied his application for State Emergency Relief (SER) benefits.

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 State Emergency Relief (SER) eligibility.

The Department's State Emergency Relief (SER) eligibility determination is AFFIRMED. It is SO ORDERED.

/s/
Kevin Scully
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: August 13, 2012

Date Mailed: August 13, 2012

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.

KS/tb

cc:

