

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201257163
Issue No: 5008
Case No: [REDACTED]
Hearing Date: August 28, 2012
Monroe County DHS

ADMINISTRATIVE LAW JUDGE: Christopher S. Saunders

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the claimant's request for a hearing. After due notice, a telephone hearing was held on August 28, 2012, 2012. The claimant personally appeared and provided testimony. The claimant was represented by [REDACTED] an attorney.

ISSUE

Did the department properly deny the claimant's State Emergency Relief (SER) application for assistance with relocation services?

FINDINGS OF FACT

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

1. The claimant applied for SER assistance for assistance with relocation services on or about May 7, 2012.
2. On May 9, 2012, the department sent the claimant a verification checklist (DHS 3503) requesting verification of the required payments for shelter and verification of the need for SER relocation to be submitted by May 16, 2012. (Department Exhibits 8-9).
3. The department did not receive the verifications requested by the due date.
4. On May 24, 2012, the department sent the claimant a State Emergency Relief Decision Notice stating that her request for SER assistance had been denied. (Department Exhibits 4-5).

5. The claimant's attorney filed a request for hearing on June 1, 2012, protesting the denial of her SER application.

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. MAC R 400.903(1). An opportunity for a hearing shall be granted to an applicant who requests a hearing because of a denial. MAC R 400.903(2).

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. BAM 600. The department will provide an administrative hearing to review the decision and determine the 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. MAC R 400.7001-400.7049. Department of Human Services (DHS or department) policies are found in the Emergency Relief Manual (ERM).

State Emergency Relief prevents serious harm to individuals and families. SER assists applicants with safe, decent, affordable housing and other essential needs when an emergency situation arises. ERM 101. SER also assists individuals and families to resolve or prevent homelessness by providing money for rent, security deposits, and moving expenses. ERM 303.

In the case at hand, the claimant submitted an application for SER for assistance with relocation expenses. The claimant submitted said application because she was having problems at her home with bed bugs. The claimant testified that her children were missing school due to the bed bugs and that she was told by Child Protective Services (CPS) that she had to obtain appropriate housing for her children, (i.e. housing not infested with bed bugs). The claimant did not indicate that her housing was condemned or that she was evicted from her housing. After the claimant filed her application, the department sent the claimant a verification checklist requesting verification of her need for the SER funds. In relation to when SER funds are available for relocation services, policy states as follows:

ELIGIBILITY REQUIREMENTS

Authorize relocation services only if one of the following circumstances exists and all other SER criteria are met.

Homeless

The SER group is homeless. The definition of homeless includes:

- Persons living in an emergency shelter or motel, in HUD-funded transitional housing for homeless persons who originally came from the street, in a car on the street or in a place unfit for human habitation and there is no housing they can return to. Groups who voluntarily left their home, but can return without a threat to their health or safety, are not homeless.
- Persons exiting jail, prison, a juvenile facility, a hospital, a medical setting, foster care, a substance abuse facility or a mental health treatment setting with no plan or resources for housing and no housing to return to.
- Persons who meet the eligibility requirements for one of the following homeless assistance programs:
 - Homeless Assistance Recovery Program (HARP).
 - Transitional Supportive Housing Leasing Assistance Program (TSHLAP).
 - Transition In Place Leasing Assistance Program (TIPLAP).
 - Rapid Re-Housing Leasing Assistance.
 - Temporary Basic Rental Assistance (TBRA) funded by MSHDA.

A person/family eligible for one of the above homeless assistance programs may be living with others temporarily, may no longer be in a shelter or may be in housing with the grant paying their rent. These are only temporary programs until a permanent housing voucher becomes available or the group is able to pay their own rent, whichever comes before 24 months. A HUD transitional facility refers only to housing that has been acknowledged by HUD for assisting homeless persons who originally came from the street or an emergency shelter who need permanent housing but are waiting for placement. The group may be in a transitional facility for up to 24 months. A person eligible for HUD-funded permanent transitional housing is also considered homeless. ERM 303, pages 1-2 (June 1, 2010).

Policy also requires that the department verify the need for SER assistance with relocation expenses. Policy states:

DOCUMENTATION OF NEED

Unsafe Housing

- A DHS services worker or DHS specialist, with supervisory approval, determines the family must be relocated from unsafe housing for the protection of the children. ERM 303, page 3 (June 1, 2010).

VERIFICATION SOURCES

Potentially Homeless

- An eviction order or court summons regarding eviction. (A demand for possession non-payment of rent or a notice to quit is not sufficient.)
- Legal notice from local public agency ordering the group to vacate condemned housing.

Note: A non-compliance notice with building code violations or condemnation notice granting a repair period does not qualify as a notice to vacate.

- Written statement from DHS services worker or DHS specialist, approved by a manager, when:
 - The current rental unit is unsafe structurally or is otherwise a threat to the health and safety of the family.
 - The family needs adequate, affordable housing to avoid a foster care placement or so children in foster care can return home.
- Written notification from the energy multi-disciplinary team that the group lives in high energy housing that cannot be rehabilitated. ERM 303, page 5 (June 1, 2010).

Policy directs the department to deny a claimant's application for SER assistance if the claimant refuses to provide information or take action within their ability relating to providing the department with requested verifications. ERM 102.

Here, the department requested verification of a court ordered eviction or condemnation paperwork to be submitted by May 16, 2012. The claimant would not have been able to provide either of the requested documents because she in fact was not evicted nor was the property condemned. The claimant testified that she was required to move due to the health risk posed by the bed bugs in her residence. The claimant further testified that she was told by CPS that if she did not find alternative housing, that her children would be removed. Therefore, the claimant would have been able to provide a written statement from a DHS services worker to verify the need for SER assistance as per the policy referenced above. However, such a written statement was not available at the time the claimant applied for SER assistance. The department representative testified that she had spoken to CPS when the claimant submitted her application and was told

that the claimant's apartment was to be fumigated by the landlord, which rightfully would have been the responsibility of the landlord. The claimant agreed that this was the original plan, but then testified that it was discovered that the fumigation would not suffice to get rid of the bed bug problem.

The claimant then testified that she entered into a family action plan with CPS on June 6, 2012. As part of that action plan, the claimant was required to obtain adequate housing. Had this plan been available at the time the claimant submitted her application, it would have been sufficient verification to show the need for SER assistance. However this plan was not available (or in place for that matter) by the time the claimant's verifications were due to the department. Therefore, the claimant did not provide verification necessary for the department to approve SER assistance as per policy. The department is required by policy to verify the need for SER assistance, because the requested verifications were not submitted or even available by the due date of May 16, 2012, the department acted properly in accordance with policy in denying the claimant's application for SER assistance.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department acted properly in accordance with policy in denying the claimant's SER application.

Accordingly, the department's actions are **AFFIRMED**.

It is SO ORDERED.

/s/ _____
Christopher S. Saunders
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: September 19, 2012

Date Mailed: September 20, 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 90 days of the filing of the original request.

201257163/CSS

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.

CSS/cr

cc:

