

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

IN THE MATTER OF:



Reg. No.: 201310081
Issue No.: 5026
Case No.: [REDACTED]
Hearing Date: April 22, 2013
County: Wayne County (19)

ADMINISTRATIVE LAW JUDGE: MICHELLE HOWIE

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request, April 22, 2013, from Detroit, Michigan. Claimant appeared and testified. Participants on behalf of Department of Human Services (Department) included [REDACTED] (FIM) and [REDACTED] (Case Manager).

ISSUE

Whether the Department properly denied the Claimant's request for State Emergency Relief (SER)?

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 26, 2016, the Department received the Claimant's SER application for assistance with utilities and relocation services. (Exhibit 1)
2. On October 5, 2012, the Department sent an SER Decision Notice stating that the request for utility services was approved, provided the Claimant paid \$1523.94 by October 25, 2013. (Exhibit 2)
3. The SER Decision also notified the Claimant that her request for relocation services was denied due to the Claimant not having a court ordered eviction. (Exhibit 2)

4. On October 17, 2012, the Department received the Claimant's written hearing request protesting the denial of her SER request and mentioning issues with FAP benefits since March 2012.

CONCLUSIONS OF LAW

The Department of Human Services (DHS) policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

As a preliminary matter, the Claimant asserts that she had an issue with the closure of her FAP benefits in March 2012. A client has 90 days from the notice of case action to request a hearing. BAM 600, p.4. The hearing request for that issue was not within ninety days of the disputed action taken by the Department, therefore, the FAP issue will not be addressed in this decision. The undersigned lacks jurisdiction to address the FAP issue.

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 Mich Admin Code, Rules 400.7001 through Rule 400.7049. Department of Human Services', formerly known as the Family Independence Agency, policies are found in the Emergency Relief Manual ("ERM").

SER assists individuals and families to resolve or prevent homelessness by providing money for rent, security deposits, and moving expenses. ERM 303 (August 2012), p. 1. The issuance amount must resolve the group's shelter emergency. To be eligible for SER relocation services individuals must meet certain criteria which include showing homelessness. 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;
- 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; or
- Persons who meet the eligibility requirements for certain homeless assistance programs. ERM 303, p. 2.

Policy provides that as proof of homelessness an applicant must provide a court ordered eviction, summons, judgment or other court order from last residence. A demand for possession for non-payment of rent or notice to quit is not acceptable as proof. ERM 303, p. 3.

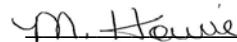
In this case, the Claimant did not provide proof of homelessness as defined by department policy. There was no eviction notice, court order or judgment from her previous residence presented. Claimant did not assert that the homelessness was the result of a fire or other natural disaster; or domestic violence. As such, the Department was unable to approve the Claimant for SER relocation services. The Department's action in regards to the SER application is upheld.

Regarding the utility services; the Department approved the heat/electric assistance, provided the Claimant pay \$1523.94 towards the service. The Department did not receive proof of the Claimant's payment by October 25, 2012. Therefore, the utility service SER approval was closed. The Department established it acted in accordance with Department policy when it processed the Claimant's SER application. Accordingly, the Department's actions are upheld.

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 acted in accordance with policy when it processed the Claimant's September 26, 2012 SER application.

Accordingly, the Department's SER determination is hereby, **AFFIRMED**.



Michelle Howie
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 5/2/2013

Date Mailed: 5/2/2013

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. (60 days for FAP cases)

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

MH/hw

cc:

