

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-15756
Issue No.: 5032
Case No.: [REDACTED]
Hearing Date: April 29, 2013
County: Wayne (82-31)

ADMINISTRATIVE LAW JUDGE: Eric Feldman

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 April 29, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

ISSUE

Did the Department properly deny Claimant's request for State Emergency Relief (SER) assistance for 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. On November 13, 2012, Claimant applied for SER assistance for relocation services.
2. On November 16, 2012, the Department sent notice of the application denial to Claimant. Exhibit 1.
3. On November 27, 2012, the Department received Claimant's hearing request, protesting the SER denial. Exhibit 1.

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 Department of Human Services State 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. A covered service can be a security deposit. ERM 303, p. 1. The Department can authorize relocation services if the SER group is homeless. ERM 303, p. 1. Homeless includes living in a place unfit for human habitation and there is no housing they can return to. ERM 303, p. 1. Groups who voluntarily left their home, but can return without a threat to their health or safety, are not homeless. ERM 303, p. 1. Verification is needed for being potentially homeless which includes a written statement from a Department services worker or Department 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. ERM 303, p. 5.

In this case, Claimant applied for SER assistance on November 13, 2012, in which she requested a security deposit in the amount of \$1,550. Exhibit 1. Claimant requested such assistance because her rental unit was unfit due to an infestation. On November 16, 2012, the Department sent notice of Claimant's SER application denial. Exhibit 1. Moreover, further testimony by the Department found that Claimant failed to provide proof that the rental unit was a threat to the healthy and safety of Claimant.

SER prevents serious harm to individuals and families. ERM 101 (April 2011), p. 1. SER assists applicants with safe, decent, affordable housing and other essential needs when an emergency situation arises. ERM 101, p. 1. SER applicants must have an emergency which threatens health or safety and can be resolved through issuance of SER or take action within their ability to help themselves. ERM 101, p. 1. For example, obtain potential resources and/or apply for assistance. ERM 101, p. 1.

At the hearing, Claimant testified that she requested assistance due to an infestation problem at her residence. However, it was discovered during the hearing that Claimant moved to a new residence different than that listed on her application for SER assistance. Claimant testified that she lived at the previous address which had an infestation problem from February 2008 through January 2013. Claimant also testified that she moved to her current address on January 8, 2013. Claimant testified that during the moving procedures she was never homeless and lived with her daughter before eventually moving to her new residence. The Department testified that Claimant did submit proof that her old residence had been exterminated, but that the Department needed further evidence that the rental unit was a threat to the health and safety of Claimant. Claimant testified that she obtained a letter from the exterminator that the unit was a threat to her health and safety as well as other documents, but Claimant testified that she lost or was unable to provide those documents either at this hearing or to the Department.

Based on the foregoing information and evidence, the Department properly denied the SER application. The SER applicant must have an emergency which threatens the health or safety of the claimant or the claimant can take actions within their ability to

help themselves. ERM 101, p. 1. Claimant was unable to provide proof to the Department that she had an infestation issue. Additionally, Claimant was able to resolve her health and safety issue by moving in with her daughter and subsequently moving into a different residence. Claimant's testimony shows that she was never homeless and she was able to resolve her own emergency without the need of SER assistance. ERM 101, p. 1. Thus, the Department properly denied Claimant's SER application in accordance with Department policy.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for reasons stated above and 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 on the record.



Eric Feldman
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: May 1, 2013

Date Mailed: May 1, 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.

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 affect the substantial rights of the claimant:
 - failure of the ALJ to address other relevant issues in the hearing decision.

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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

EJF/pf

cc:

