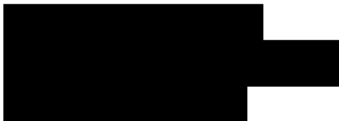


STATE OF MICHIGAN  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

**IN THE MATTER OF:**



Reg. No.: 2013-22119  
Issue No.: 5018  
Case No.: [REDACTED]  
Hearing Date: May 30, 2013  
County: Genesee County DHS #6

**ADMINISTRATIVE LAW JUDGE:** Landis Y. Lain

**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 30, 2013, from Lansing, Michigan. Participants on behalf of Claimant included claimant. Participants on behalf of Department of Human Services (Department) included Eligibility Specialist [REDACTED] [REDACTED]

**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 December 20, 2012, Claimant applied for SER assistance with shelter emergency.
2. On December 21, 2012, the Department sent notice of the application denial to Claimant.
3. On December 21, 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, 1993 AACSR 400.7001-400.7049. Department policies are found in the State Emergency Relief Manual (ERM).

State Emergency Relief (SER) assists individuals and families to resolve or prevent homelessness by providing money for rent, security deposits, and moving expenses.

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. ERM, Item 303, pages 1-2.

Department policy dictates that a person who is homeless may receive SER benefits. Department policy defines homelessness as:

- Eviction, judgment, or court order from last residence.
- A demand for possession non-payment of rent or notice to quit is not acceptable.
- Group's statement that they are living with **others** to escape domestic violence.
- Group's statement that they are sleeping in a car, or on the street and there is no housing they can return to.
- Fire department report, newspaper article, etc. verifying a fire or natural disaster.

Statement from the releasing facility for persons exiting jail, prison, a juvenile facility, a hospital, a medical setting, foster care, a substance abuse facility or a mental health treatment setting indicating there is no available housing and the person has no residence to return to.

- Signed and dated statement on official letterhead of the agency or service provider, which identifies the persons and the homeless assistance program they are eligible for.

**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. ERM, Item 303, pages 5-6.

A person is considered homeless if they are living with someone to escape a domestic abuse situation. Claimant testified on the record that she considered herself homeless because she was living in a domestic abuse situation. However, claimant remained in the home with the abuser. Therefore she is not considered homeless according to the department and did not meet the standard for homelessness under the circumstances. Claimant's SER application for assistance with shelter emergency was appropriately denied under the circumstances.

**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 properly deny claimant's application for SER benefits under the circumstances

Accordingly, the Department's decision is **AFFIRMED**.

*/s/* \_\_\_\_\_  
**Landis Y. Lain**  
Administrative Law Judge  
For Maura Corrigan, Director  
Department of Human Services

Date Signed: June 11, 2013

Date Mailed: June 12, 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 mailing 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  
Recons ideration/Rehearing Request  
P.O. Box 30639  
Lansing, Michigan 48909-07322

LYL/las

cc:

