

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

IN THE MATTER OF:



Reg. No.: 2013-44187
Issue Nos.: 3000, 5008
Case No.: [REDACTED]
Hearing Date: May 28, 2013
County: Wayne (82-35)

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 May 28, 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 April 1, 2013, Claimant applied for SER assistance for relocation services.
2. On April 1, 2013, the Department sent Claimant a SER Verification Checklist due back on April 8, 2013. Exhibit 1.
3. On April 8 and 22, 2013, Claimant submitted some of the verification documents. Exhibit 1.
4. On April 11, 2013, the Department sent Claimant a denial notice due to Claimant's failure to comply with the verification requirements. Exhibit 2.
5. On April 22, 2013, the Department received Claimant's hearing request, protesting the SER denial. Exhibit 1.

CONCLUSIONS OF LAW

As a preliminary matter, Claimant requested a hearing disputing her SER denial and the amount of Food Assistance Program (FAP) benefits she is receiving. Exhibit 1. It was discovered during the hearing that Claimant is still receiving the same amount of FAP benefits. Claimant testified that she is not disputing her FAP benefits. Thus, pursuant to the Michigan Administrative Code R 400.903(1), Claimant's FAP hearing request is hereby DISMISSED. This decision will only address Claimant's SER denial.

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. The SER applicant must take action within their ability to help themselves. ERM 101 (April 2011), p. 1. Moreover, SER assistance can be sought for homelessness or potential homelessness. ERM 303, pp. 4 and 5. The client has to provide a court summons, order, or judgment which will result in the SER group becoming homeless. (A demand for possession for non-payment of rent or a notice to quit is not sufficient.) ERM 303, pp. 3-5.

Clients must be informed of all verifications that are required and where to return verifications. ERM 103 (August 2012), p. 5. The due date is eight calendar days beginning with the date of application. ERM 103, p. 5. The Department uses the DHS-3503, SER Verification Checklist, to request verification and to notify the client of the due date for returning the verifications. ERM 103, p. 5. The client must make a reasonable effort to obtain required verifications. ERM 103, p. 5. The specialist must assist if the applicant needs and requests help. ERM 103, p. 5. If neither the client nor the specialist can obtain the verifications despite a reasonable effort, the Department uses the best available information. ERM 103, p. 5. If no evidence is available, the specialist must use their best judgment. ERM 103, p. 5.

In this case, on April 1, 2013, Claimant applied for SER assistance for relocation services. On April 1, 2013, the Department sent Claimant a SER Verification Checklist due back on April 8, 2013. Exhibit 1. On April 8 and 22, 2013, Claimant submitted some of the VCL documents. Exhibit 1. On April 11, 2013, the Department sent Claimant a denial notice due to Claimant's failure to comply with the verification requirements. Exhibit 2. On April 22, 2013, the Department received Claimant's hearing request, protesting the SER denial. Exhibit 1.

At the hearing, Claimant testified that she was able to pay her April 2013 rent with her work wages. Claimant also testified that she is unable to pay her May 2013 rent, ongoing. Furthermore, Claimant testified that she was unable to provide an eviction notice. See Exhibit 1. Claimant testified that she is currently on a list in her apartment

complex for eviction. Also, the Department received two of three required VCL documents on April 8 and 22, 2013. See Exhibit 1. However, the Department testified that it needs an eviction order or court summons regarding her potential homelessness.


Based on the foregoing information and evidence, the Department properly denied the SER application. First, the client has to provide a court summons, order, or judgment which will result in the SER group becoming homeless when she is requesting SER assistance to prevent her eviction. ERM 303, pp. 3-5. Claimant was unable to provide this documentation that the Department requested. Second, Claimant was able to resolve her rent eviction issue by paying her April 2013 rent with her work wages. 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 when it denied Claimant's SER application in accordance with Department policy.

Accordingly, the Department's SER decision is AFFIRMED REVERSED for the reasons stated above and on the record.

Based on the above discussion, it is also ORDERED that Claimant's FAP matter is DISMISSED pursuant to Mich Admin Code Rule 400.906(1).


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

Date Signed: June 10, 2013

Date Mailed: June 11, 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.

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:

