

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201314616
Issue No: 5026
Case No: [REDACTED]
Hearing Date: April 18, 2013
County: Calhoun Co. DHS#21

ADMINISTRATIVE LAW JUDGE: Suzanne D. Sonneborn

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing received by the Department of Human Services (department) on November 26, 2012. After due notice, a telephone hearing was held on April 18, 2013. Claimant appeared and provided testimony. The department was represented by [REDACTED], an eligibility specialist, and [REDACTED], an assistance payments supervisor, both the department's Calhoun County office.

ISSUE

Whether the department properly determined Claimant's eligibility for State Emergency Relief (SER)?

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 8, 2012, Claimant applied for State Emergency Relief (SER) assistance, requesting assistance with his rent in the amount of \$650.00. (Department Exhibit 1)
2. On November 9, 2012, the department mailed Claimant a Verification Checklist (DHS-3503), requesting that Claimant provide the department with verification of his need for SER rental assistance with a copy of either a court order, judgments, or summons. The information was due to the department by November 16, 2012. (Department Exhibit 4)
3. Claimant did not provide the department with the required verification by the November 16, 2012 deadline. (Department Exhibits 2, 3)

4. On November 16, 2012, the department mailed Claimant a State Emergency Relief Decision Notice informing Claimant his request for assistance had been denied because he did not provide verification in support of his request for rental assistance. (Department Exhibit 5)
3. On November 26, 2012, Claimant submitted a hearing request protesting the denial of his SER application.

CONCLUSIONS OF LAW

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The department will provide an administrative hearing to review the decision and determine the appropriateness of that decision. Department of Human Services Bridges Administrative Manual (BAM) 600 (2011), p. 1. The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in sections 400.901 to 400.951 of the Michigan Administrative Code (Mich Admin Code). An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. Mich Admin Code R 400.903(1).

The State Emergency Relief (SER) program was 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 policies are found in the State Emergency Relief Manual (ERM).

SER helps to, among other things, assist individuals and families to resolve or prevent homelessness by providing money for rent, security deposits, and moving expenses. ERM 303. The amount of the relocation funds authorized by the department must resolve the SER group's shelter emergency and may include a combination of any of the following services: first month's rent; rent arrearage; security deposit, and moving expenses. ERM 303.

SER also helps to prevent loss of a home if no other resources are available and the home will be available to provide safe shelter for the SER group in the foreseeable future. ERM 304. Covered home ownership services include property taxes and fees. Home ownership service payments are only issued to save a home threatened with loss due to mortgage foreclosure, land contract forfeiture, tax foreclosure, court ordered eviction of a mobile home from land or a mobile home park, or repossession for failure to meet an installment loan payment for a mobile home. ERM 304.

To verify foreclosure or forfeiture there must be a court order or a written statement from the contract holder or mortgagee that there is a payment arrearage and failure to correct the deficiency may result in foreclosure or forfeiture proceedings. Alternatively, a claimant must submit a court summons, order or judgment that will result in the SER group becoming homeless. ERM 304.

The department shall authorize relocation services if the SER group is homeless and all other SER criteria have been met. ERM 303.

In this case, Claimant applied for SER assistance to pay for his apartment rental obligation, for which he owed \$650.00 in rent. The department denied Claimant's SER application for assistance because Claimant did not provide a court-ordered eviction notice to verify that his request for rental assistance was necessary to prevent him from becoming homeless.

At the April 18, 2013 hearing, Claimant acknowledged that he understood he was required to provide the department with a court-ordered eviction notice. Claimant further testified that he has not received such a notice from his landlord and is therefore unable to submit such verification to the department.

Consequently, the Administrative Law Judge finds that based on the competent, material, and substantial evidence presented during the hearing, the department properly denied Claimant's SER application due to his failure to provide the department with a court-ordered eviction notice verifying that he will become homeless without the 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 in accordance with policy in denying Claimant's SER application for rental assistance because Claimant failed to provide the department with a court-ordered eviction notice verifying that he will become homeless without the SER assistance. Accordingly, the department's action in this regard is **UPHELD**. It is SO ORDERED.

/s/ _____

Suzanne D. Sonneborn
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: April 19, 2013

Date Mailed: April 22, 2013

NOTICE: Michigan Administrative Hearings 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 Order. MAHS will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 60 days of the filing of the original request.

The Claimant may appeal this Order to Circuit Court within 30 days of the receipt of the 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 errors, or other obvious errors in the hearing decision that affect the substantial rights of 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 System
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, MI 48909-07322

SDS/aca

cc:

