

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201320515
Issue No: 5030
Case No: [REDACTED]
Hearing Date: May 29, 2013
Kent County DHS

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 December 12, 2012. After due notice, a telephone hearing was held on May 29, 2013. Claimant's mother and authorized representative, [REDACTED], appeared and provided testimony on Claimant's behalf. The department was represented by [REDACTED], an eligibility specialist, and [REDACTED], an assistance payments supervisor, both from the department's Kent 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 28, 2012, Claimant applied for State Emergency Relief (SER) assistance, requesting relocation security deposit assistance in the amount of \$700.00. In doing so, Claimant indicated in her application that she lives in Section 8 housing, which is a public housing program administered by the U.S. Department of Housing and Urban Development to provide and manage housing for low-income residents at rents they can afford. (Department Exhibit 1)
2. On December 7, 2012, Claimant informed the department that the basis for her SER relocation assistance request is due to infestation of bugs in her home. (Department Exhibit 3)

3. On December 7, 2012, the department contacted Claimant's landlord who denied that Claimant's apartment was infested. (Department Exhibit 3)
4. On December 7, 2012, the department mailed Claimant a State Emergency Relief Decision Notice informing Claimant her request for relocation security deposit assistance had been denied due to unaffordability. (Department Exhibits 4, 5, 6)
5. On December 12, 2012, Claimant submitted a hearing request protesting the denial of her SER application. In doing so, Claimant indicated that she disagreed with the department's determination that her SER request was denied due to unaffordability because Claimant was living in Section 8 housing.
6. On December 12, 2012, the department acknowledged department error in denying Claimant's SER request for relocation security deposit assistance based on unaffordability. In doing so, the department re-registered Claimant's SER application to investigate further the nature of her emergency. (Department Exhibit 5)
7. On December 17, 2012, the department contacted Claimant and was informed by Claimant's mother that Claimant's SER request for relocation assistance was based not only on infestation but also because her current housing was unsafe due to crime in the neighborhood.
8. On December 19, 2012, the department mailed Claimant a State Emergency Relief Decision Notice informing Claimant her request for relocation security deposit assistance had been denied due to her not having a court ordered eviction notice. (Department Exhibits 8, 9, 10)

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.

Department policy provides that a claimant must submit a court summons, order or judgment that will result in the SER group becoming homeless. ERM 304. Department policy further provides that when relocation services are requested for a client's relocation to a new residence, the client must provide rent receipts and the shelter provider must complete a shelter verification form, verifying the date of the relocation and the amount of the shelter expense. ERM 303. Without these aforementioned verifications, the department may not authorize SER for relocation services. ERM 303.

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 requesting relocation security deposit assistance in the amount of \$700.00. The department initially denied Claimant's SER request due to unaffordability of the rent expenses – however, upon discovering that Claimant resided in Section 8 housing, as noted in her SER application, as well as learning that Claimant's request was based on unsafe and infested housing conditions, the department re-registered Claimant's SER request. Thereafter, the department verified with Claimant's landlord the absence of an infestation problem and ultimately denied Claimant's SER request because Claimant did not provide a court-ordered eviction notice to verify that her request for rental assistance was necessary to prevent her from becoming homeless.

At the May 29, 2013 hearing, department representative [REDACTED] testified that Claimant's application for SER assistance requesting relocation security deposit assistance in the amount of \$700.00 was ultimately denied by the department because Claimant was unable to provide verification of any of the bases for her SER request – specifically, Claimant did not provide verification that her housing was infested, or that her housing was unsafe and susceptible to crime and violence, or that she was subject to a court-ordered eviction that would result in her becoming homeless unless the department authorized her relocation assistance.

Also at the hearing, Claimant's mother and authorized representative, [REDACTED], acknowledged that neither she nor Claimant provided the department with verification of Claimant's infested housing (ie. with an invoice or receipt denoting the cost of the extermination) or verification of Claimant's unsafe housing due to neighborhood violence (ie. a police report confirming bullet holes in Claimant's housing). [REDACTED]

further testified that, upon Claimant reporting her infestation problem to her Section 8 HUD specialist, the Section 8 HUD specialist sought and obtained verification from Claimant's landlord regarding a bed bug problem and crime in the neighborhood, ultimately resulting in the January 2013 approval of Claimant's relocation to new Section 8 housing. [REDACTED] further testified that the total cost of Claimant's security deposit for her approved relocation to new Section 8 housing for which Claimant was responsible was \$259.00, and the remaining balance of \$397.00 was paid for by Section 8 funding.

Testimony and other evidence must be weighed and considered according to its reasonableness. *Gardiner v Courtright*, 165 Mich 54, 62; 130 NW 322 (1911); *Dep't of Community Health v Risch*, 274 Mich App 365, 372; 733 NW2d 403 (2007). Moreover, the weight and credibility of this evidence is generally for the fact-finder to determine. *Dep't of Community Health*, 274 Mich App at 372; *People v Terry*, 224 Mich App 447, 452; 569 NW2d 641 (1997).

This Administrative Law Judge has carefully considered and weighed the testimony and other evidence in the record and, based on the competent, material, and substantial evidence presented during the May 29, 2013 hearing, the Administrative Law Judge finds that because at the time the department re-processed Claimant's SER application Claimant lacked verification that her current housing was infested and unsafe, or verification that Claimant was at risk of homelessness by a court summons, order or judgment, the department correctly determined that Claimant was ineligible for SER relocation assistance according to departmental policy.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly determined that Claimant was ineligible for SER relocation assistance according to departmental policy. Accordingly, the department's actions in this regard are **UPHELD**.

It is SO ORDERED.

/s/

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

Date Signed: May 30, 2013

Date Mailed: May 30, 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.

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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:

