

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-34393
Issue No.: 5026
Case No.: [REDACTED]
Hearing Date: June 12, 2013
County: Wayne (82-76)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 June 12, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of Department of Human Services (Department) included [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 January 16, 2013, Claimant applied for SER assistance with shelter emergency.
2. On January 18, 2013, the Department sent notice of the application denial to Claimant.
3. On March 4, 2013, 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 Mich Admin Code, R

400.7001 through R 400.7049. Department policies are found in the Department of Human Services State Emergency Relief Manual (ERM).

Additionally, SER assistance is available to assist individuals and families to resolve or prevent homelessness by providing funds for rent, security deposits, and moving expenses. ERM 303 (August 2012), p. 1. In order to be eligible for relocation services, the client must verify that she is homeless. ERM 303, p. 1. Department policy specifies the documentation necessary to establish eligibility for relocation services:

Homelessness

- Eviction, judgment, or court order from last residence.
Note: 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. **Note:** A non-compliance notice with building code violations or condemnation notice granting a repair period does not qualify as a notice to vacate.
- A non-compliance notice with building code violations or condemnation notice granting a repair period does not qualify as a notice to vacate.
- Written statement from DHS services worker or DHS 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.
 - The family needs adequate, affordable housing to avoid a foster care placement or so children in foster care can return home.
- Written notification from the energy multi-disciplinary team that the group lives in high energy housing that cannot be rehabilitated.

ERM 303, pp. 4-5.

In this case, the Department denied Claimant's SER application because she did not have a court-ordered eviction notice. At the hearing, Claimant acknowledged that she did not have an eviction notice. She explained that she was living in an apartment complex that was foreclosed by Fannie Mae and alleged that Fannie Mae had evicted her without following formal legal requirements, challenging Fannie Mae's conclusion that she had failed to establish that she was a bona fide tenant of the foreclosed property and, consequently, was not eligible for a 90-day notice to vacate. This Hearing Decision does not address Claimant's rights and obligations concerning the Fannie Mae action. However, in light of the fact that Claimant did not provide the Department with an eviction order or any other acceptable documentation to the Department to verify her homelessness and eligibility for SER relocation assistance, the Department acted in accordance with Department policy when it denied Claimant's SER application.

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 acted in accordance with Department policy when it denied Claimant's SER application for assistance with relocation services.

Accordingly, the Department's decision is AFFIRMED.



Alice C. Elkin
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: June 19, 2013

Date Mailed: June 19, 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,
 - 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
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

ACE/pf

cc:

