

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

IN THE MATTER OF:



Reg. No.: 201343465
Issue No.: 5017
Case No.: [REDACTED]
Hearing Date: June 26, 2013
County: Wayne County (#31)

ADMINISTRATIVE LAW JUDGE: MICHELLE HOWIE

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's April 18, 2013 request for a hearing. After due notice, a telephone hearing was held on Wednesday June 26, 2013 from Detroit, Michigan. The Claimant appeared and testified. Participant on behalf of Department of Human Services (Department) was [REDACTED] (Eligibility Specialist).

ISSUE

Whether the Department properly denied 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 March 29, 2013, Claimant applied for SER assistance with shelter emergency.
2. On April 2, 2013, the Department sent notice of the application denial to Claimant.
3. On April 18, 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, 1999 AC, R 400.7001 through Rule 400.7049. Department policies are found in the 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 issuance amount must resolve the group's shelter emergency. To be eligible for SER relocation services individuals must meet certain criteria. SER group members must use their available income and cash assets to help resolve the emergency. ERM 208 (March 2013), p. 1. If the monthly countable income received by the group exceeds the fixed need standard amount for the number of group members, the income must be deducted from the cost to resolve the emergency. This is considered the income copayment. ERM 208

In this case, Claimant receives \$837/monthly, and the amount to resolve the emergency is \$619.00. The need standard for a group size of one is \$410.00 which is less than Claimant's income. As such the co-payment amount is \$837.00. The co-payment amount must be deducted from the cost to resolve the emergency. Since Claimant's co-payment amount exceeds the SER need the request was properly denied. Accordingly, the Department established it acted in accordance with policy when it denied Claimant's SER request for shelter emergency assistance.

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 act properly when it denied Claimant's March 29, 2013 SER application for shelter emergency due to the co-payment amount exceeding the SER need.

Accordingly, the Department's SER determination is hereby, **AFFIRMED**.

M. Howie

Michelle Howie
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 7/17/2013

Date Mailed: 7/17/2013

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 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
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

MH/hw

cc:

