

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-43528 and
2013-54242
Issue No.: 5018
Case No.: [REDACTED]
Hearing Date: July 22, 2013
County: Wayne (82-31)

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 July 22, 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 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 April 22, 2013, and May 23, 2013, Claimant applied for SER assistance with shelter emergency.
2. On April 25, 2013, and May 23, 2013, the Department sent notice of the application denial to Claimant.
3. On April 23, 2013, and May 28, 2013, the Department received Claimant's hearing request, protesting the SER denials.

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

Additionally, Claimant filed hearing requests on April 24, 2013, concerning the denial of her April 22, 2013, SER application and on May 28, 2013, concerning the denial of her May 23, 2013, SER application. Although each hearing request was issued a separate registration number (Registration Number 2013-43528 for the April 23, 2013, hearing request and Registration Number 2013-54242 for the May 23, 2013, hearing request), both SER applications at issue concern a request for SER assistance for the purchase of the same home. Furthermore, at the hearing, the Department read the hearing summary it prepared in response to both hearing requests. Because the hearing held with respect to Registration Number 2013-54242 addressed the denial of both SER applications, this Hearing Decision is responsive to both hearing requests and serves as the Hearing Decision for both registration numbers.

In this case, Claimant filed a request for SER assistance on April 22, 2013, and May 23, 2013, asking that the Department help her with the \$2,000 outstanding towards the purchase of a home. The Department denied both applications on the basis that the service requested was not covered under SER policy. At the hearing, the Department explained that it did not provide assistance with the purchase of a home, which was the assistance requested by Claimant.

Home ownership services are available for house payments, consisting of mortgage, land contract payment or mobile home sales contract. ERM 304 (March 2013), p. 1. Home ownership services payments are only issued to save a home threatened with loss due to mortgage foreclosure, land contract forfeiture, tax foreclosure or sale, 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, pp. 1-2, 4. As a condition of eligibility for home ownership services, the applicant must establish that the home is the SER group's permanent, usual residence. ERM 304, p. 4.

In this case, the Department testified that Claimant was living in an apartment at the time she requested home ownership services. Claimant verified that she was living in her apartment while seeking SER assistance to pay off the balance due on the home she was purchasing. Because Claimant was seeking SER home ownership services for a home that was not her permanent, usual residence, the Department acted in accordance with Department policy when it denied the SER applications.


At the hearing, there was some discussion on the record concerning whether Claimant's applications should have been processed for requests for relocation services in light of the testimony by Claimant that her landlord was seeking to remove her from the apartment. However, a review of Department policy shows that relocation services

assistance is available for an individual threatened with homelessness and seeking first month's rent, rent arrearage, security deposit (if required), moving expenses, or a combination of the foregoing. ERM 303 (March 2013), p. 1. Because SER assistance for purchase of a home is not covered under relocation services, the Department acted in accordance with Department policy when it did not process Claimant's applications as requests for relocation services 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 acted in accordance with Department policy when it denied Claimant's April 22, 2013, and May 23, 2013, SER applications.

Accordingly, the Department's decision is AFFIRMED.


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

Date Signed: July 29, 2013

Date Mailed: July 30, 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.

2013-43528 & 2013-54242/ACE

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:

