

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-52408
Issue No.: 5022
Case No.: [REDACTED]
Hearing Date: August 14, 2013
County: Wayne (82-57)

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

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 August 14, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and [REDACTED]. 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 March 13, 2013, Claimant applied for SER assistance with shelter emergency.
2. On March 21, 2013, the Department sent notice of the application denial to Claimant.
3. On June 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, 1999 AC, R 400.7001 through Rule 400.7049. Department policies are found in the State Emergency Relief Manual (ERM).

In the instant case, Claimant requested SER assistance with past due rent and/or relocation assistance. Claimant testified she was trying to stay in her home. The Department processed Claimant's request for assistance she filed on March 13, 2014. Claimant at the time of application did not have a court-ordered eviction nor was she forced out of her residence. The Department on March 21, 2013, determined Claimant was not eligible for SER assistance since she did not have a court-ordered eviction pending. Following the decision, Claimant was given a summons for an eviction proceeding on March 26, 2013. Claimant was later evicted from her residence following an eviction hearing.

According to ERM 304 (March 2013), pp. 1-3, the Department may authorize relocation services (which includes items such as first month's rent, rent arrearage, mobile home lot rent, security deposit and moving expenses) only if one of the following circumstances exists and all other SER criteria are met. The SER group is homeless. The Department defines homeless to include the following:

- Persons living in an emergency shelter or motel, in HUD-funded transitional housing for homeless persons who originally came from the street, in a car on the street or in a place unfit for human habitation and there is no housing they can return to. Groups who voluntarily left their home, but can return without a threat to their health or safety, are not homeless.
- Persons exiting jail, prison, a juvenile facility, a hospital, a medical setting, foster care, a substance abuse facility or a mental health treatment setting with no plan or resources for housing and no housing to return to.
- Persons who meet the eligibility requirements for one of the following homeless assistance programs:
 - Homeless Assistance Recovery Program (HARP).
 - Transitional Supportive Housing Leasing Assistance Program (TSHLAP).
 - Transition In Place Leasing Assistance Program (TIPLAP).
 - Rapid Re-Housing Leasing Assistance.
 - Temporary Basic Rental Assistance (TBRA) funded by MSHDA.

- A person/family eligible for one of the above homeless assistance programs may be living with others temporarily, may no longer be in a shelter or may be in housing with the grant paying their rent. These are only temporary programs until a permanent housing voucher becomes available or the group is able to pay their own rent, whichever comes before 24 months.

Further ERM 304 (March 2013), p. 6, requires an eviction order or court summons regarding eviction. A demand for possession non-payment of rent or a notice to quit are not sufficient.


After reviewing the evidence and testimony provided at hearing, this Administrative Law Judge finds the Department properly denied Claimant's application for SER 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. did not act properly.

Accordingly, the Department's decision is AFFIRMED REVERSED for the reasons stated on the record.



Jonathan W. Owens
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: August 20, 2013

Date Mailed: August 20, 2013

NOTICE OF APPEAL: 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 (60 days for FAP cases).

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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;

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- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

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

JWO/pf

cc:

