

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

IN THE MATTER OF:

████████████████████
████████████████████
████████████████████

Reg. No.: 2013-68257
Issue No.: 5001
Case No.: ██████████
Hearing Date: December 4, 2013
County: Pathways to Potential

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on December 4, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant; ██████████. Participants on behalf of the Department of Human Services (Department) included ██████████

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 July 23, 2013, Claimant applied for SER assistance with shelter emergency.
2. On July 30, 2013, the Department sent notice of the application denial to Claimant.
3. On August 27, 2013, the Department received Claimant's hearing request, protesting the SER denial.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

The State Emergency Relief (SER) program is established by the Social Welfare Act, MCL 400.1-.119b. The SER program is administered by the Department (formerly known as the Family Independence Agency) pursuant to MCL 400.10 and by Mich Admin Code, R 400.7001 through R 400.7049.

Additionally, Claimant requested a hearing to protest the Department's denial of her July 23, 2013, SER application for assistance with rent arrearage.

The Department denied Claimant's application on the basis that her housing was not affordable. SER assistance is available to assist individuals and families to resolve or prevent homelessness by providing money for rent, security deposits, and moving expenses. ERM 303 (March 2013), p. 1. Housing affordability is a condition of eligibility for SER benefits for housing assistance. ERM 303, p. 4; ERM 207 (March 2013), p. 1. Exceptions to the affordability requirement are available only to clients who have vouchers from the Homeless Assistance Recovery Program (HARP), Transitional Supportive Housing Leasing Assistance Program (TSHLAP), Transition In Place Leasing Assistance Program (TIPLAP), Rapid Re-Housing Leasing Assistance, or Temporary Basic Rental Assistance (TBRA) funded by MSHDA. ERM 207, pp. 1-2. Because there was no evidence presented that Claimant had one of these vouchers, Claimant's SER application was subject to meeting the housing affordability requirement.

Housing is affordable if the SER group's total housing obligation does not exceed 75% of the group's total net countable income. ERM 207 (March 2013), p. 1. In order to determine whether a client's housing is affordable, the Department must multiply the group's total net countable income by seventy-five percent. ERM 207, p. 2. The result is the maximum total rent the client can have and be eligible to receive SER rent assistance. ERM 207, p. 2.

In this case, Claimant's monthly rental obligation was \$790. Thus, Claimant would be required to establish monthly gross income at or exceeding \$1,053 to establish that her housing was affordable. Claimant identified no income by any of her household members in her SER application and admitted at the hearing that no one in her household had any earned or unearned income. Because Claimant indicated to her worker that she was a licensed daycare provider and intended to open a daycare in her home, the Department gave her the opportunity to present evidence of potential income from daycare services. Claimant acknowledged that her plans fell through, and she was unable to provide any evidence of any anticipated income from providing day care services. Because Claimant's household had no income or potential income, the

Department acted in accordance with Department policy when it concluded that Claimant's housing was not affordable.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it denied Claimant's SER application.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.



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

Date Signed: December 10, 2013

Date Mailed: December 10, 2013

NOTICE OF APPEAL: 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.

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).

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;
- 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:

2013-68257/ACE

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

ACE/pf

cc:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]