

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201369925
Issue No(s): [REDACTED]
Case No.: [REDACTED]
Hearing Date: December 10, 2013
County: Oakland

ADMINISTRATIVE LAW JUDGE: Christopher S. Saunders

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 December 10, 2013, from Lansing, 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 process 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 August 30, 2013, Claimant applied for SER assistance with shelter emergency.
2. On September 6, 2013, the Department sent Claimant an SER Decision Notice.
3. On September 16, 2013, Claimant/Claimant's Authorized Hearing Representative (AHR) filed a hearing request, protesting the Department's SER decision.

CONCLUSIONS OF LAW

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

The SER program provides relief for qualified shelter emergencies. Qualified shelter emergencies are defined in ERM 303. ERM 303 states in pertinent part:

DEPARTMENT POLICY

State Emergency Relief (SER) assists individuals and families to resolve or prevent homelessness by providing money for rent, security deposits, and moving expenses. (ERM 303, page 1, 10/1/2013).

ELIGIBILITY REQUIREMENTS

Authorize relocation services only if one of the following circumstances exists and all other SER criteria are met.

Homeless

The SER group is homeless. The definition of homeless includes:

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.

Note: Update the Living Arrangement screen in Bridges to reflect the appropriate homeless assistance program.

A HUD transitional facility refers only to housing that has been acknowledged by HUD for assisting homeless persons who originally came from the street or an emergency shelter who need permanent housing but are waiting for placement. The group may be in a transitional facility for up to 24 months. A person eligible for HUD-funded permanent transitional housing is also considered homeless. (ERM 303, pages 1-2, 10/1/2013).

The Department also requires documentation of the shelter emergency. Policy states that the following are acceptable forms of verification of shelter emergencies:

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.

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, pages 6-7, 10/1/2013).

In this case, the Department denied Claimant's application for SER services as the Department determined that Claimant was not eligible for SER relocation services as per the policy outlined above. The Department representative testified that Claimant was not homeless and that the Department had no documentation indicating that Claimant was potentially homeless. Claimant testified that he is required to move out of his current residence by January 1, 2014. Claimant further testified that he provided documentation that he was required to be out of his current residence to the Department. Claimant further asserted that he was required to obtain new housing due to his medical condition and was ordered to do so by his doctor.

After the hearing, the record was left open to provide Claimant an opportunity to submit the verification he allegedly provided to the Department to show that he was required to vacate his current residence by January 1, 2014. Claimant did provide a notice to

vacate (see Petitioner's Exhibit B), but that notice is signed by management on December 10, 2013 and also indicates that notice was provided to Claimant on December 3, 2013. Claimant applied for SER services on August 30, 2013 and his application was denied on September 6, 2013. There has been no evidence presented that shows that, at the time Claimant submitted his application for SER benefits, the Department was provided with documentation that shows that Claimant was required to vacate his current residence by January 1, 2014. Additionally, there has been no evidence presented to show that at the time of his application, Claimant had a "shelter emergency" as defined by policy. Therefore, as Claimant did not have a "shelter emergency" as defined by policy, the Department properly denied Claimant's application for SER benefits.

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 issued its SER Decision Notice.

DECISION AND ORDER

Accordingly, the Department's SER decision is **AFFIRMED**.



Christopher S. Saunders
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 01/02/2014

Date Mailed: 01/02/2014

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:

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

CS/sw

cc:

