

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

IN THE MATTER OF:



Reg. No. 2013-14582
Issue No. 5026
Case No. [REDACTED]
Hearing Date: April 8, 2013
County: Wayne (49)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on Monday, April 8, 2013. The Claimant appeared and testified. Participating on behalf of the Department of Human Services ("Department") was [REDACTED].

ISSUE

Whether the Department properly processed and denied the Claimant's State Emergency Relief ("SER") application.

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 October 31, 2012, the Department received the Claimant's SER application seeking assistance with past due rent in the amount of \$4,950.00. (Exhibit 2)
2. On this same date, the Department approved the SER with the Claimant's co-payment being \$ [REDACTED]. (Exhibit 1)
3. The co-payment was based, in part, on \$ [REDACTED] income/asset. (Exhibit 1)
4. On November 13, 2012, the Department received the Claimant's timely written request for hearing, protesting the SER co-payment.

CONCLUSIONS OF LAW

The SER program is established by 2004 PA 344. The SER program is administered pursuant to MCL 400.10, *et seq.*, and by final administrative rules filed with the Secretary of State on October 28, 1993. Mich Admin Code, Rules 400.7001 – 400.7049. Department of Human Services’ (formerly known as the Family Independence Agency) policies are found in the Emergency Relief Manual (“ERM”).

SER prevents serious harm to individuals and families by assisting applicants with safe, decent, affordable housing and other essential needs when an emergency situation arises. ERM 101 (April 2011), p. 1. All countable earned and unearned income is used to determine the group’s financial eligibility. ERM 206 (October 2011), p. 1. In addition to income, countable assets are considered when determining eligibility. ERM 205 (August 2012), p. 1. 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.

In this case, the Claimant submitted an SER application on October 31, 2012, requesting assistance with past due rent. On the same date, the Department approved the SER request requiring the Claimant to pay a [REDACTED] co-payment before the Department would pay the balance of [REDACTED]. The Claimant noted on the SER application that her brother lived with her. The brother was receiving unemployment compensation benefits. The Claimant argued that this income should not be considered because he had moved out and that she had provided the Department notice of the change. It was unclear as to when the Claimant reported this change. If the Claimant reported the Claimant at, or around the time of application, then the income should not be considered. If, however, the Claimant reported the change weeks after the determination, then the inclusion of the income was proper. In determining the co-payment, the Department determined \$ [REDACTED] 0 was unmet required payments; [REDACTED] income asset co-payment; and [REDACTED] 5 contributions from other source. During the hearing, the Department was unable to provide evidence and/or testimony regarding the income/asset co-payment. As such, a determination that the SER co-payment figure was correct could not be made. In light of the foregoing, the Department’s SER determination is not upheld.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law the Department’s SER determination is not upheld.

1. The Department shall re-register and initiate processing of the October 31, 2012 SER application in accordance with Department policy.
2. The Department shall notify the Claimant of the determination in accordance with Department policy.

Colleen M. Mamelka

Colleen M. Mamelka
Administrative Law Judge
For Maura Corrigan Director
Department of Human Services

Date Signed: April 11, 2013

Date Mailed: April 15, 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. (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 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

CMM/tm

cc:

