

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-36115
Issue No.: 5022
Case No.: [REDACTED]
Hearing Date: August 5, 2013
County: Macomb County (20)

ADMINISTRATIVE LAW JUDGE: Eric Feldman

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 5, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED] Eligibility Specialist.

ISSUE

Did the Department properly deny Claimant's request for State Emergency Relief (SER) assistance for rent to relocate and security deposit?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

1. On March 1, 2013, Claimant applied for SER assistance for rent to prevent eviction. See Exhibit 1.
2. In March 2013, the Department denied Claimant's SER request for rent to prevent eviction.
3. On March 18, 2013, Claimant again applied for SER assistance for rent to relocate and security deposit. See Exhibit 1.
4. On March 18, 2013, the Department sent Claimant a SER Decision Notice which denied Claimant's security deposit and rent to relocate request due to Claimant not having any emergency and not providing a court ordered eviction notice. Exhibit 1.
5. On March 22, 2013, the Department received Claimant's hearing request, protesting the SER denial. Exhibit 1.

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

As a preliminary matter, Claimant testified that she is not disputing her March 1, 2013 SER application. Claimant testified that she is only disputing her March 18, 2013 SER application and denial. Thus, this hearing decision will only address the subsequent application.

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. A covered service can be the combination of a rent to relocate and a security deposit. ERM 303, p. 1. The SER applicant must take action within their ability to help themselves. ERM 101 (April 2011), p. 1. For example, obtain potential resources and/or apply for assistance. ERM 101, p. 1. Moreover, SER assistance can be sought for homelessness or potential homelessness. ERM 303, pp. 4 and 5. The client has to provide a court summons, order, or judgment which will result in the SER group becoming homeless. (A demand for possession non-payment of rent or a notice to quit is not sufficient.) ERM 303, pp. 3 – 5.

In this case, on March 18, 2013, Claimant applied for SER assistance for rent to relocate and security deposit. See Exhibit 1. On March 18, 2013, the Department sent Claimant a SER Decision Notice which denied Claimant's security deposit in the amount of \$█ Exhibit 1. The SER Decision notice also denied Claimant's rent to relocate request in the amount of \$█ Exhibit 1.

The Department testified that it denied Claimant's SER application because she did not have an emergency and did not provide a court ordered eviction notice. See Exhibit 1. Specifically, the Department gave three reasons for the rent to relocate and security deposit denial. See Exhibit 1. First, the eviction judgment that Claimant provided is not against a person named in the SER group. See Exhibit 1. The name on the judgment order does not contain Claimant's name or any of the household information names she provided in the March 18, 2013 application. See Exhibit 1. Second, Claimant did not provide a complete and signed lease agreement. See Exhibit 1. It was not disputed that Claimant did not provide the signed lease agreement portion. Third, the Department testified that the partial lease agreement that was provided indicated that the amount due was already paid for in the amount of \$█ See Exhibit 1.

At the hearing, Claimant first testified that the name that appears on the judgment order is the father of her children. Claimant testified that he was originally on the case. Claimant testified that the home is in his name and that is why his name appears on the judgment order. Moreover, Claimant testified that the father left the home in January 2013 and he did pay the rent. Claimant testified that due to him leaving and not paying the rent is what led to the eviction order. Second, Claimant testified that the landlord gave her the partial lease agreement early because she had to have her utilities turned on before she moved in. Thus, Claimant testified she did not have a signed lease

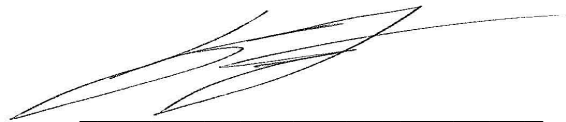
agreement at that time. Third, Claimant testified that she ultimately borrowed the money and paid the \$ [REDACTED] on March 25, 2013.

Based on the foregoing information and evidence, the Department properly denied the SER application request for a security deposit and rent to relocate. Claimant credibly testified that the eviction order could not be in her name due to her not owning the home. However, Claimant was able to resolve her security deposit and rent to relocate by her obtaining resources from other individuals and paying it on March 25, 2013. Claimant's testimony shows that she was never homeless and she was able to resolve her own emergency without the need of SER assistance. ERM 101, p. 1. Thus, the Department properly denied Claimant's SER application request for a security deposit and rent to relocate in accordance with Department policy.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for reasons stated above and on the record, finds that the Department properly denied Claimant's SER application request for a security deposit and rent to relocate effective March 18, 2013.

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



Eric Feldman
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: August 26, 2013

Date Mailed: August 26, 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:
 - 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

EJF/las

cc:

