

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 20135107
Issue No.: 5017
Case No.: [REDACTED]
Hearing Date: March 27, 2013
County: Oakland (#02)

ADMINISTRATIVE LAW JUDGE: MICHELLE HOWIE

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 conducted from Detroit, Michigan on Wednesday March 27, 2013. The Claimant appeared and testified along with witness [REDACTED] (Mother). Participant on behalf of Department of Human Services (Department) was [REDACTED] (Eligibility Specialist).

ISSUE

Whether the Department properly denied the Claimant's application for State Emergency Relief ("SER) relocation services?

FINDINGS OF FACT

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

1. The Claimant submitted an application requesting SER assistance for relocation services, based on alleged homelessness.
2. On September 27, 2012, a SER Decision Notice was mailed notifying the Claimant that the request for assistance was denied due to not having an emergency. (Exhibit 2)
3. On October 1, 2012, the Department received Claimant's written hearing request regarding the denial of the SER and Child Development Care (CDC) benefits.

CONCLUSIONS OF LAW

As a preliminary matter, the Claimant's issue regarding the denial of the CDC benefits was resolved prior to the date of hearing. Therefore, this decision only addresses the SER application denial.

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

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 Code, Rules 400.7001 through Rule 400.7049. Department of Human Services', formerly known as the Family Independence Agency, policies are found in the Emergency Relief Manual ("ERM").

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. The issuance amount must resolve the group's shelter emergency. To be eligible for SER relocation services individuals must meet certain criteria which include showing homelessness. 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;
- 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; or
- Persons who meet the eligibility requirements for certain homeless assistance programs. ERM 303, p. 2.

A group living with friends or relatives is not considered homeless, even if the arrangement is temporary, unless the group is living temporarily with other persons following a fire or natural disaster that occurred not more than 60 days before the date the group files an application for SER; the group is living with other persons to escape a domestic violence situation; or the group meets eligibility criteria for certain homeless assistance programs. ERM 303, p. 3.

In this case, the Claimant was living with relatives at the time of the SER application. She was unable to establish that she was homeless as defined by department policy. Claimant did not provide an eviction notice, court order or judgment from her previous residence to establish homelessness. Nor did she assert that the homelessness was

the result of a fire or other natural disaster; or domestic violence. As such the Department was unable to approve the Claimant for SER relocation services assistance pursuant to department policy.

The Department has policies, guidelines and procedures to adhere to when administering assistance to clients for various programs. Here, the Claimant did not meet the eligibility criteria as outlined in department policy for the requested SER services. Therefore, the Department established that it acted in accordance with policy when it denied the Claimant's application for SER relocations services.

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 when it denied the Claimant's SER application on September 27, 2012.

Accordingly, the Department's SER determination is hereby, **AFFIRMED**.

M. Howie

MICHELLE HOWIE
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 4/4/2013

Date Mailed: 4/5/2013

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:

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- 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

MH/hw

cc:

