

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

IN THE MATTER OF:



Reg. No.: 201412154
Issue No.: 5001
Case No.: [REDACTED]
Hearing Date: January 23, 2014
County: Wayne (31)

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 January 23, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], PATH/Family Independence Specialist.

ISSUE

Did the Department properly process 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 [REDACTED], 2013, Claimant filed an application for SER assistance for rent arrearages totaling \$3096.
2. [REDACTED], 2013, the Department sent Claimant a SER Decision Notice notifying her that, upon her payment of \$2356 to her landlord, the Department would pay the landlord \$740.
3. On [REDACTED] 2013, Claimant filed a request for hearing disputing the Department's actions.

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, while at the hearing and in the handwritten comments in her [REDACTED], 2013 request for hearing, Claimant referenced the Department's denying her application for cash assistance for failing to submit paperwork she contended she was not requested to provide, Claimant clearly marked the "SER" box as the reason she requested a hearing. Her request for hearing is tied to an [REDACTED], 2013 Department action, and the Department established that on [REDACTED], 2013 it issued a SER Decision Notice approving Claimant's SER application. Therefore, the issue at the hearing was limited to Claimant's SER issue.

At the hearing, Claimant disputed the calculation of her SER contribution. The [REDACTED], 2013 SER Decision Notice approved Claimant's SER application and provided that it would pay her landlord \$740 in SER assistance upon Claimant's confirmation that she paid the landlord \$2356.

At the hearing, the Department explained that it agreed to pay only \$740 because that was the maximum it could pay under Department policy for assistance with relocation services. SER assistance for relocation services is available to assist individuals and families to resolve or prevent homelessness by providing money for rent arrearage, security deposits, and moving expenses. ERM 303 (October 2013), p. 1. The Department will authorize the amount of SER assistance the SER group needs to keep or obtain permanent shelter, *up to the amount of the issuance maximum for relocation services*. ERM 303, p. 5 (emphasis added). The relocation service maximum payment for a SER group size of four is \$740. ERM 303, p. 7.

In this case, Claimant confirmed that there were four individuals in her SER group at the time of application (Claimant, her husband, and their two children). Thus, the Department acted in accordance with Department policy when it notified Claimant that it would only pay \$740 towards her requested SER assistance.


At the hearing, Claimant also confirmed that she had requested SER assistance for payment of rent arrearages totaling \$3096. Because the maximum SER assistance available to Claimant was \$740, the Department acted in accordance with Department policy when it required Claimant to verify payment of \$2356, the difference between the

\$3096 requested and the \$740 the Department was authorized to pay, before it would issue its \$740 payment to the landlord. See ERM 208 (October 2013), pp. 3, 4.

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 processed 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: February 3, 2014

Date Mailed: February 3, 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:

2014-12154/ACE

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

ACE/tif

cc:

