

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

IN THE MATTER OF:



Reg. No.: 2014-30670
Issue No(s): 5001
Case No.: [REDACTED]
Hearing Date: April 14, 2014
County: Wayne (57)

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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 April 14, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Assistance Payment Supervisor and [REDACTED], Assistance Payment Worker.

ISSUE

Did the Department properly deny Claimant's application for State Emergency Relief (SER) assistance with rent to prevent eviction on the basis that her shelter was not affordable?

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 February 19, 2014, Claimant submitted an application for SER assistance with rent to prevent eviction. (Exhibit 1)
2. On February 21, 2014, the Department sent Claimant a SER Decision Notice informing her that her application was denied on the basis that her shelter was not affordable according to SER requirements.(Exhibit 2)
3. On February 28, 2014, Claimant submitted a hearing request 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.

In this case, on February 19, 2014, Claimant submitted an application for SER assistance with rent to prevent eviction that was denied by the Department on the basis that her shelter was not affordable according to the SER requirements. (Exhibits 1 and 2).

Housing affordability is a condition of eligibility for SER benefits for assistance with rent to prevent eviction. ERM 207 (March 2013), p.1;ERM 303 (October 2013). In order to determine whether the Claimant's housing is affordable, the Department must multiply the group's total net countable income by seventy-five percent. ERM 207, p. 1. If a SER group does not have sufficient income to meet their total housing obligation, the application will be denied. ERM 207, p. 1.


In determining Claimant's total net countable income, the Department must consider the gross earnings from employment that Claimant will receive or is expected to receive during the 30 day countable period beginning on the date the SER application is received by the local office. ERM 206 (October 2013), p. 1. Net income from employment must be determined by deducting allowable expenses of employment from the gross amount received. ERM 206, p.5. The Department is to verify all non-excluded income, expenses and deductions by sending clients an SER Verification Checklist (VCL) informing them what verifications are required, where to return the verifications and the due date. ERM 206, p. 6.; ERM 103 (October 2013), p. 6. The client must make a reasonable effort to obtain required verifications. If neither the client nor the Department can obtain the verifications despite a reasonable effort, the Department is to use the best available information and if no evidence is available, the Department will use its best judgment. ERM 103, p. 6.

At the hearing, the Department presented a SER Affordability Test for review. (Exhibit 3). The Department testified that in calculating Claimant's net countable income, it relied on paystubs that were submitted with Claimant's SER application and specifically considered earnings of (i) \$211.30 paid on January 31, 2014; (ii) \$136.00 paid on February 7, 2014; and (iii) \$149.60 paid on February 14, 2014. (Exhibit 4). The Department determined that Claimant had a rental expense in the amount of \$550, which Claimant confirmed.

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 determined that Claimant's income was insufficient to meet her shelter obligation and therefore, denied her application for SER assistance on the basis that her shelter was not affordable. Claimant indicated that her income has since changed and that she is now working more hours. Claimant was informed that she was entitled to submit a new application for SER assistance and have her eligibility determined, given the changes in her income.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.



Zainab Baydoun
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: April 30, 2014

Date Mailed: April 30, 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:

2014-30670/ZB

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

ZB/tlf

cc:

