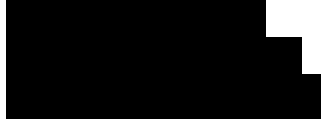


**STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES**

IN THE MATTER OF:



Reg. No.: 14-003835
Issue No.: 5008
Case No.: [REDACTED]
Hearing Date: August 14, 2014
County: Manistee

ADMINISTRATIVE LAW JUDGE: Darryl T. Johnson

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 14, 2014, from Lansing, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included Family Independence Manager [REDACTED] and Eligibility Specialist [REDACTED].

ISSUE

Did the Department properly process Claimant's request for State Emergency Relief (SER) assistance with shelter emergency?

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 April 18, 2014, Claimant applied for SER assistance with shelter emergency.
2. On April 29, 2014, the Department sent Claimant an SER Decision Notice informing her that she was eligible for [REDACTED] to prevent eviction.
3. On May 1, 2014, Claimant verified she had made her co-payment.
4. On May 13, 2014, the Department entered verification of the co-payment; and the Bridges system then calculated – incorrectly - that she was eligible.
5. On May 15, 2014, Claimant informed the Department that she had been evicted and had until noon on May 16, 2014, to remove herself, her family, and their belongings from the residence.

6. On May 20, 2014, the Department received Claimant's hearing request, protesting the Department's SER decision.

CONCLUSIONS OF LAW

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. Department policies are found in the Department of Human Services State Emergency Relief Manual (ERM).

ERM 303 (10/1/13) provides the policy regarding relocation services. At page 1 it states: "State Emergency Relief (SER) assists individuals and families to resolve or prevent homelessness by providing money for rent, security deposits, and moving expenses." It also expresses the policy that, "The issuance amount must resolve the group's shelter emergency." Claimant, along with her husband and their children, were facing impending eviction from their rental home. The Department initially calculated the budget, and the "Bridges" system erroneously issued a letter that they were eligible for assistance. It was not until after Claimant had paid the co-pay that the Department found that they were not eligible after all, due to a budget shortfall.

Claimant did not pay the rent for November 2013 and January 2014. (Exhibit 1 Page 7.) "If required payments have not been made, Bridges will determine whether the SER group had good cause for non-payment of their shelter obligation during the last six months, regardless of the reason they are in need." ERM 303 at 4. ERM 204 (8/1/14) expresses the policy with respect to "Client Caused Emergencies." "Evaluate the payment history for the preceding six-month period to determine the required payment criteria. Required payments are actual shelter costs or required energy and/or utility payments." Id. "Good cause for failure to meet obligations for shelter, energy, or utilities exists if: The SER group's net countable income from all sources during each month the group failed to pay their obligations was less than the amount shown for the SER group size in the good cause table in this item." For Claimant's group of six, the good cause amount found in the table is [REDACTED]. Therefore, for Claimant to receive SER for relocation services, they had to have a net countable income of less than [REDACTED] each month.

The Department's witness testified that the Claimant and her husband had a combined income of [REDACTED] per month from work. Claimant applied for SER for relocation services after she and her husband were sued for eviction. The net countable income for the group was [REDACTED]. That was much greater than the limit from ERM 204.

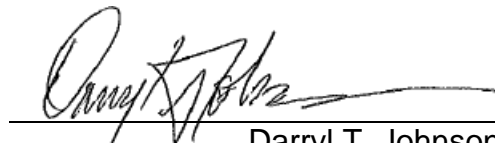
"The total copayment is the amount the SER group must pay toward their emergency. Copayment amounts are deducted from the cost of resolving the emergency." ERM 208 at 2 (10/1/13).

“If the client failed without good cause to make required payments, a short fall amount is determined. The client must pay the shortfall amount toward the cost of resolving the emergency. Verification that the shortfall has been paid must be received before any SER payment can be made.”
ERM 208 at 4 (10/1/13).

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 denied Claimant’s SER application. Claimant did not show good cause for her failure to pay the monthly rent. It is unfortunate that the Department made the incorrect decision initially and issued Claimant a statement that it would help her, but ultimately it corrected the error. That surely does not provide Claimant any comfort, but the Department and the undersigned must be confined to proper application of the policy.

DECISION AND ORDER

Accordingly, the Department’s decision is **AFFIRMED**.



Darryl T. Johnson
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **8/15/2014**

Date Mailed: **8/15/2014**

DTJ / jaf

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date.

A party may request a rehearing or reconsideration of this Hearing Decision from the Michigan Administrative Hearing System (MAHS) within 30 days of the mailing date of this Hearing Decision, or MAHS may order a rehearing or reconsideration on its own motion.

MAHS may grant a party’s Request for Rehearing or Reconsideration 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 party requesting a rehearing or reconsideration 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 this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, 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:

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

cc:

