

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-015096
Issue No.: 5001
Case No.: [REDACTED]
Hearing Date: February 04, 2015
County: Genesee-District 2

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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, telephone hearing was held on February 04, 2015, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

ISSUE

Did the Department properly deny the 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 September 26, 2014, the Claimant submitted an application for State Emergency Relief (SER) benefits seeking assistance to prevent an eviction.
2. Members of the Claimant's benefit group receive monthly earned income from employment in the gross monthly amount of \$ [REDACTED].
3. Members of the Claimant's benefit group receive monthly Supplemental Security Income (SSI) in the gross monthly amount of \$ [REDACTED].
4. The Claimant's total rent obligation for the previous six months is \$ [REDACTED].
5. Actual payments were made towards the total rent obligation totaling \$ [REDACTED].
6. On October 8, 2014, the Department notified the Claimant that it had denied her State Emergency Relief (SER) application.
7. On October 20, 2014, the Department received the Claimant's request for a hearing protesting the denial of her State Emergency Relief (SER) application.

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 Mich Admin Code, R 400.7001 through R 400.7049.

State Emergency Relief (SER) group members must use their available income and cash assets that will help resolve the emergency and the Department will not authorize a SER payment unless it will resolve the emergency. A group is eligible for non-energy SER services with respect to income if the total combined monthly net income that is received or expected to be received by all group members in the 30-day countable income period does not exceed the SER Income Need Standards for Non-Energy Services. Department of Human Services Emergency Relief Manual (ERM) 208 (October 1, 2014), p 1.

A single State Emergency Relief (SER) group consists of persons who occupy the same home that will be affected by the emergency. Department of Human Services Emergency Relief Manual (ERM) 201 (March 1, 2013), pp 1-2.

If an application is made for shelter, heat, electricity or utilities, a determination of required payments must be made. 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. Department of Human Services Emergency Relief Manual (ERM) 206 (October 1, 2014), p 4.

The Claimant applied for State Emergency Relief (SER) benefits as a group of three. Members of the Claimant's benefit group receive monthly earned income from employment in the gross monthly amount of \$ [REDACTED] and Supplemental Security Income (SSI) income in the gross monthly amount of 721. The Claimant did not dispute these income amounts during the hearing. The earned income was reduced by 25% as directed by ERM 206 to determine a net earned income of \$ [REDACTED]. The Department determined the Claimant's income co-payment of \$ [REDACTED] by subtracting the \$ [REDACTED] standard deduction listed in ERM 206 from the benefit group's total income.

The Department determined the Claimant's rent shortfall obligation of \$ [REDACTED] by subtracting the \$ [REDACTED] she paid towards her rent in the past six months from her total rent obligation of \$ [REDACTED] during that same period.

The Claimant requested \$ [REDACTED] on her State Emergency Relief (SER) to avoid eviction. The sum of the Claimant's income co-payment and her rent shortfall obligation (\$ [REDACTED]) exceeds the amount requested by the Claimant to avoid eviction. Therefore, the Department denied the Claimant's State Emergency Relief (SER) application as directed by ERM 208.

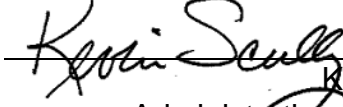
The Claimant argued that she has a need for emergency benefits to avoid eviction but that the rent shortfall was not a result of her failure to pay housing expenses but rather it was her daughter's failure to pay her share of the rent.

Department policy requires that State Emergency Relief (SER) applications make use of all available resources to resolve their emergency and eligibility for benefits is made on the basis of all members of the benefit group. The Claimant's daughter occupies the Claimant's home and will be affected by an eviction. Therefore, the daughter is a member of the benefit group and while the rent shortfall may be attributable to the daughter, the shortfall cannot be excluded from the determination of the Claimant's eligibility to receive emergency assistance.

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 the Claimant's State Emergency Relief (SER) application.

DECISION AND ORDER

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



Kevin Scully
Administrative Law Judge
for Nick Lyon, Acting DHS Director
Department of Human Services

Date Signed: **2/13/2015**

Date Mailed: **2/13/2015**

KS/las

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:

