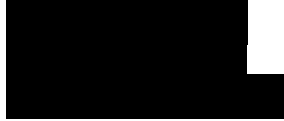


**STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES**

IN THE MATTER OF:



Reg. No.: 14-017345
Issue No.: 5008
Case No.:
Hearing Date: February 25, 2015
County: Wayne (35)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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, an in-person hearing was held on February 25, 2015, from Redford, Michigan. Participants included the above-named Claimant. Participants on behalf of the Department of Human Services (DHS) included , hearings facilitator.

ISSUE

The issue is whether DHS properly processed Claimant's State Emergency Relief (SER) eligibility

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 , Claimant applied for SER seeking assistance for relocation.
2. Claimant's SER request sought \$2,000-\$3,000 in housing assistance.
3. On , DHS approved Claimant for \$410 in SER, subject to a \$4,988.80 copayment to be made by (see Exhibit 1).
4. On , Claimant requested a hearing to dispute the amount of her SER copayment.

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 Mich Admin Code, R 400.7001 through R 400.7049. Department policies are contained in the Department of Human Services 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 301 (10/2013), p. 1. The issuance amount must resolve the group's shelter emergency. *Id.*

Claimant requested a hearing to dispute a DHS approval of SER. DHS approved Claimant's SER application but required Claimant to first pay \$4988.80. Claimant objected to the amount of her copayment.

To determine if DHS properly processed Claimant's SER application, the amount of Claimant's rent assistance must be considered. Neither DHS nor Claimant was helpful in providing insight into what amount Claimant requested.

It is known that DHS approved Claimant for a \$410 SER payment subject to a \$4988.80 copayment. It can be deduced that DHS believed that Claimant requested a total of \$5398.80 in rent assistance. DHS could not provide any basis for factoring a \$5398.80 rent amount request.

Claimant testified that she lived in a hotel when she applied for SER benefits. Claimant testified that she was seeking money from DHS to extend her stay at the hotel. Claimant could not testify with any specifics how much money she needed. Claimant estimated that she needed \$2,000-\$3,000 in SER funds.

Claimant's general request for rent money was odd because SER policy requires a client to verify a very specific amount of assistance. For purposes of this decision, Claimant's testimony will be accepted as accurate concerning the amount of SER requested. For purposes of this decision, the lower and most favorable amount to Claimant (\$2,000) will be accepted as the amount of SER assistance requested by Claimant.

The analysis could conclude with an order that DHS reprocess Claimant's SER application and that DHS budget a smaller SER request. In the interest of efficiency, the analysis will proceed to determine if such an order would have made any difference in outcome.

The SER group must contribute toward the cost of resolving the emergency if SER does not cover the full cost of the service. ERM 208 (10/2013), p. 3. Verification that the contribution has been paid must be received before any SER payment can be made. *Id.*

It was not disputed that Claimant was the only member of her household. The maximum amount of SER rental assistance available for a one-person group is \$410. ERM 303 (10/2013), p. 7. Based on a \$2,000 (at minimum) SER rent assistance request, Claimant's copayment would be \$1,590. Claimant testimony conceded that she could not have made a \$1,590 copayment by [REDACTED] if that amount was required by DHS for payment of \$410.

The DHS budget was imperfect. More importantly, DHS approved Claimant for a proper amount and Claimant could not have paid the required copayment, even if DHS budgeted the proper amount of SER funds requested. There is no point to order DHS to reprocess Claimant's application when the outcome would have been unchanged by a more accurate budget and decision. It is found that DHS properly determined Claimant's SER eligibility.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly processed Claimant's SER application dated [REDACTED] concerning rent assistance. The actions taken by DHS are **AFFIRMED**.



Christian Gardocki
Administrative Law Judge
for Nick Lyon, Interim Director
Department of Human Services

Date Signed: **3/9/2015**

Date Mailed: **3/9/2015**

CG / hw

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 48909-8139

CC:

