

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2014-29745
Issue No(s): 5001
Case No.: [REDACTED]
Hearing Date: April 8, 2014
County: Grand Traverse County DHS

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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 8, 2014, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED], the Claimant, and [REDACTED], boyfriend. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Eligibility Specialist, and [REDACTED], Assistance Payments Supervisor.

ISSUE

Did the Department properly deny the Claimant's State Emergency Relief (SER) application for rent to relocate, moving expenses, and security deposit?

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 18, 2014 Claimant applied for SER for relocation services, specifically first month's rent \$ [REDACTED] security deposit \$ [REDACTED] and moving expenses \$ [REDACTED]
2. On February 19, 2014, a SER Decision Notice was issued to the Claimant stating the SER request was denied because the shortfall amount (unmet required payments) is equal to or greater than the amount needed to resolve the emergency.
3. On February 27, 2014, Claimant filed a request for hearing contesting the Department's action.

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) assists individuals and families to resolve or prevent homelessness by providing money for rent, security deposits, and moving expenses. ERM 303

The issuance amount must resolve the group's shelter emergency. Authorize any combination of the following services: First month's rent, Rent arrearage, Mobile home lot rent for owners or purchasers is a Home ownership service found in ERM 304, Mobile home lot rent for renters is a relocation service covered by this Item, Security deposit (if required), Moving expenses (to relocate household effects). ERM 303.

On February 18, 2014 Claimant applied for SER for relocation services, specifically first month's rent \$ [REDACTED] security deposit \$ [REDACTED] and moving expenses \$ [REDACTED]. Thus, the total SER request was for \$ [REDACTED].

The SER Decision Notice states the SER request was denied because the shortfall amount (unmet required payments) is equal to or greater than the amount needed to resolve the emergency. The Department testified that the shortfall amount was \$ [REDACTED]. This was based on the January 31, 2014 Complaint Nonpayment of Rent Landlord-Tenant stating rent was paid through November 30, 2013. Therefore, Claimant still owed rent for December, January and February. On February 19, 2014, the landlord left a message with the Department that no rent payments had been made. Claimant reported rent was \$ [REDACTED] per month on the SER application. Three months rent at \$ [REDACTED] per month totals \$ [REDACTED]. However, it is noted that the January 31, 2014 Complaint Nonpayment of Rent Landlord-Tenant states rent is \$ [REDACTED] per month. Three months rent at \$ [REDACTED] per month totals \$ [REDACTED]. Using either rent figure, the total SER request for \$ [REDACTED] was less than the shortfall amount of three months rent.


Claimant testified that she had paid \$ [REDACTED] toward the past due rent, but papers never came in showing this payment. The Claimant asserted that if this payment had been considered, the requested amount of SER would have been less than what was owed. However, Claimant testified she did not have any documentation of this payment with her.

Based on the information available to the Department at the time the February 18, 2014 SER application was filed and processed, Claimant's request for SER relocation services for \$ [REDACTED] was less than the shortfall amount from the past due rent.

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 SER application for rent to relocate, moving expenses, and security deposit.

DECISION AND ORDER

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



Colleen Lack
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: May 5, 2014

Date Mailed: May 5, 2014

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides or has its principal place of business in the State, 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

201429745/CL

CL/hj

cc:

