

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

IN THE MATTER OF:

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Reg. No.: 2014-31120
Issue No(s): 5001
Case No.: ██████████
Hearing Date: April 16, 2014
County: Wayne (49)

ADMINISTRATIVE LAW JUDGE: Eric Feldman

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 April 16, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department or DHS) included ██████████ Eligibility Specialist.

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 February 21, 2014, Claimant applied for SER assistance with shelter emergency. See Exhibit 1.
2. On February 25, 2014, the Department sent Claimant a SER Decision Notice. See Exhibit 1.
3. On March 3, 2014, Claimant filed a hearing request, protesting the Department's SER decision. See Exhibit 1.

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).

SER assists individuals and families to resolve or prevent homelessness by providing money for rent, security deposits, and moving expenses. ERM 303 (October 2013), p. 1. A covered service can be the combination of a first month's rent, security deposit, and moving expenses. ERM 303, p. 1.

Moreover, SER assistance can be sought for homelessness or potential homelessness. ERM 303, pp. 6 and 7. For homelessness, verification includes an eviction, judgment, or court order from last residence. ERM 303, p. 6. For potential homelessness, verification includes an eviction order or court summons regarding eviction (a demand for possession non-payment of rent or a notice to quit is not sufficient). ERM 303, p. 6.

In this case, on February 21, 2014, Claimant applied for SER assistance with shelter emergency. See Exhibit 1. Specifically, Claimant applied for eviction/relocation (\$500); security deposit (\$500); and moving expenses (\$50). See Exhibit 1. Claimant indicated that she was evicted from her home and also included a rental agreement form. See Exhibit 1. Claimant did not include an eviction notice with her application dated February 21, 2014. On February 25, 2014, the Department sent Claimant a SER Decision Notice, which denied her rent to prevent eviction due to her not having a court ordered eviction notice. See Exhibit 1.

At the hearing, the Department testified that Claimant previously applied for SER assistance in November 2013. At that time, the Department testified that Claimant provided an eviction notice and it was date stamped November 18, 2013. However, the Department testified that Claimant did not provide an eviction notice with her current application and denied it for that reason. It should be noted that the Department testified that Claimant did not have enough income to make her eligible for relocation services as well. See Hearing Summary, Exhibit 1. However, the Department did not provide any budget showing this nor did the SER decision notice deny it for this reason.

Claimant testified that she obtained a court-ordered eviction on November 18, 2013. Subsequent to the order, Claimant testified that she applied for SER assistance for relocation services. Claimant testified she provided the eviction order with the application in which the Department confirmed receipt of it during the hearing. Claimant testified, though, that she failed to provide a rental agreement with the November 2013 application. As such, Claimant believed she was denied for the November 2013 application due to her failure to provide the rental agreement. Nevertheless, Claimant testified she obtained the rental agreement and had the landlord registered with the State of Michigan. Then, Claimant testified she again applied for SER assistance for shelter emergency on February 21, 2014 and attached the rental agreement. See Exhibit 1. Claimant testified that she did not include the eviction notice as she already previously supplied it with the November 2013 application. It should be noted that Claimant testified she moved into the new location as of December 2, 2013, ongoing.

Moreover, Claimant testified that the SER shelter emergency still exists pending this hearing decision.

Clients must be informed of all verifications that are required and where to return verifications. ERM 103 (October 2013), p. 6. The due date is eight calendar days beginning with the date of application. ERM 103, p. 6. The Department uses the DHS-3503, SER Verification Checklist, to request verification and to notify the client of the due date for returning the verifications. ERM 103, p. 6. The client must make a reasonable effort to obtain required verifications. ERM 103, p. 6. The specialist must assist if the applicant needs and requests help. ERM 103, p. 6. If neither the client nor the specialist can obtain the verifications despite a reasonable effort, the Department uses the best available information. ERM 103, p. 6. If no evidence is available, the specialist must use their best judgment. ERM 103, p. 6.

Based on the foregoing information and evidence, the Department improperly denied Claimant's SER assistance request for shelter emergency. First, the Department denied the SER application due to her failure to provide a court-ordered eviction notice with her current application. However, the Department acknowledged during the hearing that it had a court-ordered eviction notice from a previous application (dated November 18, 2013). As such, the Department already had verification of the eviction and it could have processed the application. ERM 303, p. 6.

Second, Claimant indicated in the application that she had moved and was evicted from her home. See Exhibit 1. Based on this information, the Department had knowledge of Claimant's eviction and should have requested verification. See ERM 103, p. 6. Therefore, the Department should have requested verification of the eviction notice as it had prior notice.

In summary, the Department improperly denied the SER application for shelter emergency for the above-stated reasons and therefore, it must reprocess the application.

DECISION AND ORDER

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 did not act in accordance with Department policy when it improperly denied the SER assistance for shelter emergency (SER Decision Notice dated February 25, 2014).

Accordingly, the Department's SER decision is AFFIRMED REVERSED.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Initiate re-registration and processing of Claimant's SER application with shelter emergency dated February 21, 2014, in accordance with Department policy and as the circumstances existed at the time of application;
2. Begin issuing supplements to Claimant for any SER benefits she was eligible to receive but did not from date of application; and
3. Begin notifying Claimant in writing of its SER decision in accordance with Department policy.



Eric Feldman
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: April 24, 2014

Date Mailed: April 24, 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:

Attention: MAHS Rehearing/Reconsideration Request

2014-31120/EJF

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

EJF/cl

cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]