

**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.: 2014-34439
Issue No(s): 5001
Case No.: ██████████
Hearing Date: May 22, 2014
County: Wayne (18)

ADMINISTRATIVE LAW JUDGE: Eric Feldman

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 May 22, 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; and ██████████ Assistant Payment Supervisor.

ISSUE

Did the Department properly deny Claimant's State Emergency Relief (SER) application with rent to prevent eviction?

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 March 21, 2014, Claimant applied for SER assistance for rent to prevent eviction.
2. On March 26, 2014, the Department conducted a telephone interview with the Claimant in which she stated that she had not been approved for a new place of residency at the time of application. See Hearing Summary, Exhibit 1.
3. On March 26, 2014, the Department sent Claimant a SER Decision Notice, which denied Claimant's rent to relocate request (\$750 total) due to her need of the requested service does not meet program requirements. See Exhibit 1.

4. On April 1, 2014, Claimant filed a hearing request, protesting the SER denial. See Exhibit 1.

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 (October 2013), p. 1. Accept the decision of the SER group regarding use of the relocation funds authorized. ERM 303, p. 1. The issuance amount must resolve the group's shelter emergency. ERM 303, p. 1. Authorize can include first month's rent, security deposit, moving expenses, etc...ERM 303, p. 1.

In this case, on March 21, 2014, Claimant applied for SER assistance for rent to prevent eviction. On March 26, 2014, the Department conducted a telephone interview with the Claimant in which she stated that she had not been approved for a new place of residency at the time of application. See Hearing Summary, Exhibit 1. On March 26, 2014, the Department sent Claimant a SER Decision Notice, which denied Claimant's rent to relocate request (\$750 total) due to her need of the requested service does not meet program requirements. See Exhibit 1.

At the hearing, the Department's main argument for the denial was that Claimant had not been approved for a new place of residence, thus, there was no valid need. Claimant testified that her current home is in the process of foreclosure and/or has been foreclosed due to taxes owed the past several years. Claimant did not present any documentation indicating foreclosure/forfeiture, eviction, or a property tax statement. See ERM 304 (October 2013), pp. 1-7. Moreover, at the time of application, Claimant testified that she was about to obtain a new residence, however, was unsuccessful. Claimant testified that she is currently looking and still resides in her home.

The Department will determine whether the SER group's rental housing is affordable. ERM 303, p. 4. The Department will approve the SER for relocation services only if the group's rental obligation meets the criteria for housing affordability specified in ERM 207. ERM 303, p. 4. Also, SER assistance can be sought for homelessness or potential homelessness. ERM 303, pp. 6-7. For homelessness or potentially homeless, verification sources can include 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.

Based on the foregoing information and evidence, the Department acted in accordance with Department policy when it properly denied Claimant's SER application on March 26, 2014, for rent to prevent eviction.

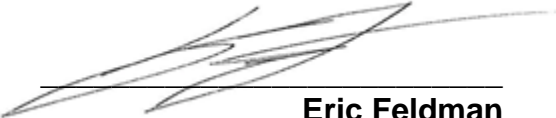
First, Claimant failed to present evidence that she is homeless or potentially homeless in order for relocation services to be authorized. Claimant testified that she was in the process of foreclosure and/or her home had already been foreclosed, however, she did not provide any such evidence (e.g., court order, eviction...). In order for relocation services to be authorized, such documentation needs to be verified and the evidence presented that Claimant failed to provide such evidence in order to show that she is homeless or potentially homeless. See ERM 303, p. 1 and 6-7. Moreover, Claimant testified that she is still at the current residence.

Second, Claimant acknowledged that she had not been approved for a new place of residence. The Department will determine whether the SER group's rental housing is affordable and will also request verification of the need amount. See ERM 303, pp. 4 and 5. At the time of application, Claimant did not locate a shelter provider and therefore, a verification of need amount and determination if the rental housing is affordable is not possible. See ERM 303, pp. 4 and 5. As such, the Department properly denied the SER assistance for rent to relocate as Claimant failed to verify her need amount and did not locate a shelter provider. See ERM 303, pp. 4 and 5. Claimant can reapply for SER assistance.

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 acted in accordance with Department policy when it properly denied Claimant's SER application on March 26, 2014, for rent to prevent eviction.

Accordingly, the Department's SER decision is AFFIRMED.



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

Date Signed: May 29, 2014

Date Mailed: May 29, 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

EJF/cl

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