

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2014-8091
Issue No(s): 5001
Case No.: [REDACTED]
Hearing Date: February 5, 2014
County: Kent 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 February 5, 2014, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED], the Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Eligibility Specialist, and [REDACTED], Family Independence Manager.

ISSUE

Did the Department properly deny the Claimant's State Emergency Relief (SER) application for utility services- water or sewage and relocation- moving expenses?

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 23, 2013, the Claimant applied for SER for [REDACTED] or [REDACTED]
2. On September 30, 2013, a SER Decision Notice was issued to the Claimant stating the request for [REDACTED] was denied because the income/asset copayment is equal to or greater than the amount needed to resolve the [REDACTED] and the request for [REDACTED] for \$ [REDACTED] was denied because there was no emergency.
3. On October 16, 2013, the Claimant filed a request for hearing contesting the Department's actions.

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 by 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. Relocation services can only be authorized if the SER group is homeless and all other SER criteria are met. The definition of homeless includes: persons living in an emergency shelter or motel, in HUD-funded transitional housing for homeless persons who originally came from the street, in a car on the street or in a place unfit for human habitation and there is no housing they can return to (groups who voluntarily left their home, but can return without a threat to their health or safety, are not homeless); persons exiting jail, prison, a juvenile facility, a hospital, a medical setting, foster care, a substance abuse facility or a mental health treatment setting with no plan or resources for housing and no housing to return to; and persons who meet the eligibility requirements for one of the specified homeless assistance programs. Verification sources for providing proof of homelessness include an eviction, judgment, or court order. ERM 303

SER helps to restore or prevent shut off of a utility service specified in this item when service is necessary to prevent serious harm to SER group members. ERM 302

ERM 201 addresses included group members and excluded group members. Adults and dependent children who normally live together are in the same SER group. Persons temporarily absent due to illness or employment are also in the same group. Group members who are absent from the home for 90 consecutive days or more are not in the SER group. Persons that are not to be included in the SER group are: visitors in the home who do not normally live with the SER group; renters who live with the SER group, provided a fair market rental rate is paid (include the rental income in determining the SER group's eligibility); the SER group's landlord, provided the group pays fair market rent to live in the home; a person physically present in the home who claims and verifies that they do not have any responsibility for meeting household emergencies (a person who desires exclusion on this basis has the burden of providing proof that the emergency does not adversely affect the person requesting exclusion and the person will not benefit if the group's application for SER is approved). ERM 201.

SER group members must use their available income and cash assets that will help resolve the emergency. In most cases cash assets in excess of \$50 result in an asset copayment. An asset copay cannot be reduced or waived. 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 standards found in Exhibit I, SER Income Need Standards for Non-Energy Services. Income that is more than the basic monthly income need standard for the number of group members must be deducted from the cost of resolving the emergency. This is the income copayment. The income and asset copayments combined together determine the SER group's total copayment. ERM 208.

The SER group must use countable cash assets to assist in resolving their emergency. The protected cash asset limit is \$ [REDACTED]. The first \$50 of an SER group's cash assets is excluded. The amount in excess of the protected cash asset limit is deducted from the cost of resolving the emergency and is called the asset copayment. ERM 205.

Regarding income, the SER budget computation period is 30 days. The Department budgets all verified non-excluded gross income the SER group expects to receive during the countable income period. Net income from employment or self-employment must be determined by deducting allowable expenses of employment from the gross amount received. ERM 206.

In this case, the Claimant applied for SER for utility services- water or sewage and relocation- moving expenses on September 23, 2013. (Exhibit A, pages 23-40)

The Eligibility Specialist credibly testified that the Department verified with [REDACTED] that the [REDACTED] occurred [REDACTED] and relocation services for a group of four had already been paid for. The Eligibility Specialist explained that for the September 23, 2013, SER request for [REDACTED], the Claimant reported she wanted to [REDACTED] to a different place, noting her [REDACTED] is [REDACTED]. Because there was no eviction or judgment regarding the current residence, the Department denied the SER request for relocation services because there was no emergency. Additionally, the Claimant submitted a copy of her [REDACTED] which indicated a [REDACTED] [REDACTED] (Exhibit 1) The evidence does not establish that the Claimant was [REDACTED] or at risk of becoming homeless when the September 23, 2013 SER application for [REDACTED] [REDACTED] was filed. Accordingly, the determination to deny the September 23, 2013 SER request for relocation- [REDACTED] because there was no emergency is upheld.

Regarding the denial of the September 23, 2013 SER request for [REDACTED] [REDACTED] because the income/asset copayment is equal to or greater than the amount needed to resolve the emergency, the Claimant contested the Department's determination of the SER group members and the resulting income that was included in the SER budget. On the SER application, the Claimant only reported herself and two [REDACTED] in the home. (Exhibit A, pages 26-30) The Eligibility Specialist credibly testified that the Department verified with [REDACTED] that the [REDACTED] just [REDACTED] to the August 12, 2013 [REDACTED] were for a group size of four, comprised of two adults and [REDACTED]. The Claimant noted that the other adult is not on her [REDACTED] (See also Exhibit 1) However, an individual does not have to be listed on a [REDACTED] to be included in the SER group. Pursuant to ERM 201, adults and dependent children who normally live together are in the same SER group. Based on the [REDACTED]

██████████ of group composition for the relocation services that had just been provided after the August 12, 2013 ██████████, the Claimant's report that the other adult is not in the home for the September 23, 2013 SER application is not found credible. Therefore, the other adult, and her income, were properly included in the SER group considered in the budget for the September 23, 2013 SER application. The SER budget determined the Claimant's SER group would have a total co-payment of \$██████████ (Exhibit A, pages 11-12) The total co-payment was greater than the amount of SER requested for ██████████. Accordingly, the determination to deny the September 23, 2013 SER request for ██████████ because the income/asset copayment is equal to or greater than the amount needed to resolve the emergency is upheld.

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 utility services- water or sewage and relocation- moving expenses.

DECISION AND ORDER

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

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

Date Signed: 2/25/14

Date Mailed: 2/26/14

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.

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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

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

CL/hj

cc:

