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

IN THE MATTER OF:

[redacted]

Reg. No.: 2014-23184
Issue No(s).: 5007; 5008
Case No.: [redacted]
Hearing Date: May 21, 2014
County: Ingham

ADMINISTRATIVE LAW JUDGE: Michael S. Newell

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 21, 2014, from Lansing, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [redacted] and [redacted]

ISSUE

Did the Department properly deny Claimant's SR application?

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 November 4, 2013, Claimant applied for SER relief.

2. The Department denied the application for unknown reasons.

3. On November 19, 2013, Claimant applied for SER relief and was denied.

4. The Department did not provide copies of any Notice of Case Action for the November 4th or November 19th decisions.

5. On December 12, 2013, Claimant again applied for SER for relocation.

6. Claimant's monthly income when she applied was $[redacted]

7. Claimant's rent for the new home was $[redacted] per month.

8. Claimant provided a shelter verification form indicating that she was eligible for Section 8 in an amount to be determined. (Exhibit 2.1).

9. Claimant also provided a document titled "Voucher Briefing Information." (Exhibit 2.2).

10. This document indicated that the voucher was a different document from HUD and should be reviewed carefully.

11. Someone had written "350.00" in the upper left portion of the form and "910" below that.

12. Nothing on the printed form or written on the form indicated what those numbers signified.

13. On December 20, 2014 the Department denied Claimant's application because the housing was unaffordable and Claimant had resolved her housing emergency before the denial by relocating.

14. Claimant requested hearing on January 15, 2014.

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.

Additionally, the Department did not err in denying Claimant's final application. Claimant did not provide sufficient information to show that her housing was affordable. The numbers written on Exhibit 2.2 do not show what her rent would be because the document lacks any signature or authentication. Further, Claimant's testimony indicates that this document was at most an estimate because she stated that her rent was going to be around $[redacted] and ended up being a different amount ultimately. Claimant testified that she provided documentation showing her actual rent, but she was unsure when she provided it, and her changing testimony in this regard indicated that she may have provided it after the denial and hearing request, and Claimant did not provide a copy of this alleged document for the hearing.

Although the Department offered scant evidence regarding the first to denials, Claimant has resolved her housing emergency. Therefore, remanding this matter would be moot because no remedy can be fashioned.

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 Claimant's SER application.

DECISION AND ORDER

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

Michael S. Newell
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: June 3, 2014

Date Mailed: June 3, 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

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

MSN/las

cc: [redacted]