

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 15-006730
Issue No.: 3000, 5001
Case No.: [REDACTED]
Hearing Date: June 09, 2015
County: Oakland-District 4

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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, telephone hearing was held on June 09, 2015, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of the Department included Eligibility Specialist [REDACTED].

ISSUE

Did the Department of Health and Human Services (Department) properly deny the Claimant's application for State Emergency Relief (SER) benefits?

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 16, 2015, the Claimant applied for Food Assistance Program (FAP) benefits.
2. On March 24, 2015, the Claimant received an eviction from his home effective April 3, 2015.
3. On March 27, 2015, the Claimant applied for State Emergency Relief (SER) benefits.
4. On March 27, 2015, the Department notified the Claimant that he was approved for Food Assistance Program (FAP) benefits.
5. On March 30, 2015, the Claimant signed a rental lease for a new residence effective April 1, 2015.

6. On April 2, 2015, the Department notified the Claimant that it had denied his State Emergency Relief (SER) application.
7. On April 20, 2015, the Department received the Claimant's request for a hearing protesting the denial of State Emergency Relief (SER) benefits.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), Department of Health and Human Services Reference Tables Manual (RFT), and Department of Health and 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 Department of Human Services) pursuant to MCL 400.10 and Mich Admin Code, R 400.7001-.7049.

The State Emergency Relief (SER) program assists applicants with safe, decent, affordable housing and other essential needs when an emergency situation arises. Applicants are expected to take action within their ability to help themselves such as obtaining potential resources and/or applying for assistance. Department of Health and Human Services Emergency Relief Manual (ERM) 101 (March 1, 2013), p 1.

The Department will issue SER benefits to assist homeless applicants and potentially homeless applicants that have received an eviction order. Department of Health and Human Services Emergency Relief Manual (ERM) 303 (October 1, 2013), p 6.

In this case, the Claimant applied for Food Assistance Program (FAP) benefits. During the eligibility interview, the Department discovered that the Claimant was potentially homeless after receiving an eviction order. While examining the circumstances of his eligibility, the Department discovered that the Claimant had signed a lease for a new rental home and had avoided homelessness on his own. Since the Claimant's emergency had been resolved, SER benefits were no longer necessary to prevent homelessness. On April 2, 2015, the Department denied the Claimant's SER application.

The Claimant did not dispute that he had resolved his potential homelessness emergency but argued that his financial emergency has not been resolved.

Whether or not the Claimant is eligible for any other resources from the Department is not relevant here, but only whether the Department properly applied its policies to the Claimant's circumstances when it denied his application for SER benefits.


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 State Emergency Relief (SER) application because his emergency had already been resolved.

The Claimant did not raise an issue with his Food Assistance Program (FAP) benefits that can be resolved by the Michigan Administrative Hearing System (MAHS).

DECISION AND ORDER

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



Kevin Scully
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **6/10/2015**

Date Mailed: **6/10/2015**

KS/las

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, 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 48909-8139

cc:

