

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

IN THE MATTER OF:



Reg. No.: 15-005076
Issue No.: 5001
Case No.: [REDACTED]
Hearing Date: June 10, 2015
County: BAY

ADMINISTRATIVE LAW JUDGE: Gary Heisler

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; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on June 10, 2015, from Lansing, Michigan. Participants on behalf of Claimant included himself. Participants on behalf of the Department of Health and Human Services (Department) included Family Independence Manager (FIM) [REDACTED]. The request for hearing in this matter is for review of a State Emergency Relief Program determination. The case was incorrectly identified as a Food Assistance Program issue case.

ISSUE

Did the Department properly deny Claimant's March 16, 2015, State Emergency Relief Program application for assistance with relocation?

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, Claimant submitted an application for State Emergency Relief Program assistance to relocate.
2. On March 17, 2015, Claimant was sent a State Emergency Relief Decision Notice (DHS-1419) which stated his application was denied because the shelter was not affordable.
3. On March 20, 2015, Claimant submitted a hearing request.

4. On April 10, 2015, Michigan Administrative Hearing System received the 19 page hearing packet submitted from the Department. The hearing request was incorrectly identified as a Food Assistance Program issue. The only issue in this case is denial of a State Emergency Relief Program application.
5. On April 16, 2015, notice was issued for a hearing to be conducted on May 13, 2015.
6. On April 24, 2015, Claimant submitted correspondence to Michigan Administrative Hearing System inquiring about subpoena requests he submitted to the Department's local office.
7. On April 27, 2015, Michigan Administrative Hearing System sent Claimant five subpoenas he had requested. The accompanying correspondence explaining Claimant's responsibility for service of the subpoenas and payment of the required fees and travel reimbursement to the individuals subpoenaed.
8. On May 11, 2015, Claimant requested the hearing scheduled for May 13, 2015 be rescheduled.
9. On May 11, 2015, an Adjournment Order was issued in this matter.
10. On May 12, 2015, notice was issued for the hearing in this matter to be conducted on June 10, 2015. Claimant was also sent updated subpoenas for the new hearing date.
11. On June 5, 2015, Claimant submitted a request to reschedule the June 10, 2015, hearing.
12. On June 5, 2015, an order denying adjournment of the June 10, 2015 hearing was issued.
13. On June 8, 2015, Claimant resubmitted his June 5, 2015 request to reschedule the June 10, 2015, hearing.
14. On June 8, 2015, an order denying the second adjournment request was issued.

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.

In this case, Claimant submitted a State Emergency Relief Program application requesting \$█ of relocation assistance. On the application Claimant indicated that he was homeless, had no assets and no income. Based on State Emergency Relief Manual 207 Housing Affordability (2013) the Department determined that Claimant was not eligible for the requested assistance. Claimant testified that he was requesting the assistance to pay for a hotel room which he could stay in temporarily.

During this hearing Claimant continually alleged that he is eligible for housing programs and payments which ARE NOT administered by the Department of Health and Human Services. Claimant also asserted that: the VA has discriminated against him; the Mid-Michigan Community Action Agency has discriminated against him; he has a HUD voucher; and he has a Federal lawsuit going against an Ian McCormick.

The five persons Claimant wished to subpoena for this hearing include: Dave Sloniker who is a handicapped veteran who was in the same housing program as Claimant and can testify on the things that were done wrong by that program; Eric Norman the VAMC homeless vet coordinator; Aleda Lutz of the VAMC; Debra Schafer of the Mid-Michigan Community Action Agency; and Darla Pembroke of the Bradley House Apartments. It was explained to Claimant that this hearing can only address the Department of Health and Human Services' actions with regard to the State Emergency Relief Program he applied for. None of the persons Claimant wished to subpoena for this hearing could provide relevant testimony on the question of whether Claimant was properly denied the State Emergency Relief Program assistance he applied for.

State Emergency Relief Manual (ERM) 303 Relocation Services (2013) states in part:

DEPARTMENT POLICY

State Emergency Relief (SER) assists individuals and families to resolve or prevent homelessness by providing money for rent, security deposits, and moving expenses.

COVERED SERVICES

Accept the decision of the SER group regarding use of the relocation funds authorized. The issuance amount must resolve the group's shelter emergency. Authorize any combination of the following services:

First month's rent.

Rent arrearage.

Mobile home lot rent for owners or purchasers is a Home ownership service found in ERM 304.

Mobile home lot rent for renters is a relocation service covered by this Item.

Security deposit (if required).

Moving expenses (to relocate household effects).

HOUSING AFFORDABILITY

Bridges will determine whether the SER group's rental housing is affordable. Approve SER for relocation services only if the group's rental obligation meets the criteria for housing affordability specified in ERM 207.

State Emergency Relief Manual (ERM) 207 Housing Affordability (2013) states in part:

DEPARTMENT POLICY

Housing affordability is a condition of eligibility for State Emergency Relief (SER) and applies only to Relocation Services (ERM 303) and Home Ownership Services and Home Repairs (ERM 304). Housing affordability does not apply to other SER services.

Requirements

In this item, total housing obligation means the total amount the SER group must pay for rent, house payment, mobile home lot rent, property taxes and required insurance premiums. Renters can have a higher total housing obligation if heat, electricity and/or water/cooking gas are included.

Note: See chart at the end of this item or the SER Quick Reference Charts - Services, Payment Maximums and Coding Desk Aid in Systems Instructions Codes Manual; see SIC DSKADSER.

Authorize SER for services only if the SER group has sufficient income to meet ongoing housing expenses. An SER group that cannot afford to pay their ongoing housing costs plus any utility obligations will not be able to retain their housing, even if SER is authorized.

Deny SER if the group does not have sufficient income to meet their total housing obligation. The total housing obligation cannot exceed 75 percent of the group's total net countable income.

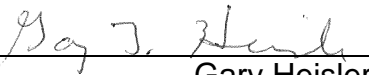
Claimant requested the assistance to pay for temporary lodging in a hotel. ERM 303 requires that the assistance “must resolve the group’s shelter emergency.” A temporary hotel stay would not resolve Claimant’s “homeless” status. Neither does ERM 303 identify payment of a temporary hotel stay as authorized services which can be paid under the program.

Claimant does not dispute that he had no source of income when he submitted the application. ERM 207 specifies that assistance shall not be authorized unless the group can afford to pay their ongoing housing expense. Claimant did not meet the eligibility requirements for State Emergency Relief Program Relocation assistance.

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 March 16, 2015, State Emergency Relief Program application for assistance with relocation.

DECISION AND ORDER

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



Gary Heisler
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **7/2/2015**

Date Mailed: **7/2/2015**

GFH / 

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 copy of the claim or application for appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Hearing Decision from 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:

