

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

IN THE MATTER OF:

[REDACTED]

MAHS Reg. No.: 15-018752
Issue No.: 5001
Agency Case No.: [REDACTED]
Hearing Date: December 10, 2015
County: Wayne-District 76
(Gratiot/Seven M)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

HEARING DECISION

Following Petitioner'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 December 10, 2015, from Detroit, Michigan. Petitioner appeared and represented himself. The Department of Health and Human Services (Department) was represented by [REDACTED], Assistance Payment Supervisor/Hearing Facilitator, and [REDACTED] Eligibility Specialist.

ISSUE

Did the Department properly deny Petitioner's September 8, 2015 application for State Emergency Relief (SER) assistance with relocation services, security deposit and 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 [REDACTED], Petitioner applied for SER assistance with rent to relocate, security deposit, and moving expenses.
2. On [REDACTED] 15, Petitioner submitted to the Department a [REDACTED] Judgment of Divorce entered by the [REDACTED] [REDACTED] (Exhibit B)

3. On [REDACTED], the Department sent Petitioner an Application Notice denying his application on the basis that he did not have a court-ordered eviction notice (Exhibit A).
4. On [REDACTED], Petitioner submitted a timely request for hearing disputing the Department's decision.

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.

SER assistance with relocation services 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. As a condition of SER eligibility, the SER group must be homeless. ERM 303, p.1. To verify homelessness, the client must provide one of the following:

- Eviction, judgment, or court order from last residence.
Note: A demand for possession non-payment of rent or notice to quit is not acceptable.
- Group's statement that they are living with others to escape domestic violence.
- Group's statement that they are sleeping in a car, or on the street and there is no housing they can return to.
- Fire department report, newspaper article, etc. verifying a fire or natural disaster.
- Statement from the releasing facility for persons exiting jail, prison, a juvenile facility, a hospital, a medical setting, foster care, a substance abuse facility or a mental health treatment setting indicating there is no available housing and the person has no residence to return to.

- Signed and dated statement on official letterhead of the agency or service provider, which identifies the persons and the homeless assistance program they are eligible for.

ERM 303, p. 6.

The client can also establish potential homelessness by providing any of the following documentation:

- An eviction order or court summons regarding eviction. (A demand for possession non-payment of rent or a notice to quit is not sufficient.)
- Legal notice from local public agency ordering the group to vacate condemned housing.
Note: A non-compliance notice with building code violations or condemnation notice granting a repair period does not qualify as a notice to vacate.
- Written statement from DHS services worker or DHS specialist, approved by a manager, when:
 - The current rental unit is unsafe structurally or is otherwise a threat to the health and safety of the family.
 - The family needs adequate, affordable housing to avoid a foster care placement or so children in foster care can return home.
- Written notification from the energy multi-disciplinary team that the group lives in high energy housing that cannot be rehabilitated.

ERM 303, pp. 6-7.

In this case, Petitioner argued that he provided evidence of homelessness/potential homelessness when he submitted documentation to the Department on [REDACTED] showing that he was required to vacate the marital home. The Department acknowledged receiving a Judgment of Divorce from Petitioner on [REDACTED] (Exhibit B). Petitioner testified that he also submitted a Divorce Settlement Agreement he and his ex-wife signed [REDACTED] (Exhibit 1) with the Judgment of Divorce. Although the Department denied receiving the Settlement Agreement, on the Judgment of Divorce the Department acknowledged receiving, there is a handwritten notation to “see attached settlement agreement.” The copy of the Settlement Agreement Petitioner provided at the hearing included the same handwritten case documentation (case worker name, case number and id number) that Petitioner included in the Judgment of Divorce he submitted to the Department, further supporting his testimony that the documents were submitted together. Therefore, it is found that the Settlement Order was provided to the Department and will be considered in determining Petitioner’s verification of homelessness/potential homelessness.

The Judgment of Divorce references that the division of the parties' real property is provided elsewhere in the Judgment. Petitioner testified that the Settlement Order was included with the Judgment of Divorce entered by the court; the Settlement Order provides that Petitioner will vacate the marital property within three to six months of finalization of the marriage. The terms of the Settlement Order, as incorporated into the Judgment of Divorce, do not constitute an eviction order or court summons regarding eviction. Because Petitioner could not verify as homeless or potentially homeless as required by Department policy, the Department acted in accordance with Department policy when it concluded that Petitioner was ineligible for assistance with rent relocation, security deposit, and moving expenses because he did not verify a court-ordered eviction.

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 Petitioner's [REDACTED] SER application. .

DECISION AND ORDER

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



Alice C. Elkin
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **12/17/2015**

Date Mailed: **12/17/2015**

ACE / ttf

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:

