

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

IN THE MATTER OF:

██████████
██████████
██████████

MAHS Reg. No.: 15-017120
Issue No.: 5001
Agency Case No.: ██████████
Hearing Date: November 12, 2015
County: Wayne-District 49

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 November 12, 2015, from Detroit, Michigan. Petitioner represented herself. The Department of Health and Human Services (Department) was represented by ██████████, Eligibility Specialist.

ISSUE

Did the Department properly deny Petitioner's August 18, 2015 application for State Emergency Relief (SER) assistance?

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 August 18, 2015, Petitioner submitted a SER application requesting assistance with payment of a \$700 security deposit.
2. Petitioner lives with her minor child.
3. On August 25, 2015, the Department sent Petitioner a Benefit Notice denying the SER application because her required payments of \$1200 exceeded her \$700 need.
4. On September 10, 2015, Petitioner requested a hearing disputing the Department's actions.

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 relocation services assistance is available to resolve or prevent homelessness by providing money for rent, security deposits, and moving expenses. ERM 303 (October 2013), p. 1. On August 18, 2015, Petitioner requested SER assistance with payment of a \$700 security deposit. In the August 25, 2015 Benefit Notice it sent Petitioner, the Department denied Petitioner's application because the amount of required payments exceeded the amount of her need.

In processing an application for SER assistance with security deposit, the Department must verify a client's shelter expenses for the six months preceding the client's application and the amount the client paid each of those months. ERM 303, p. 4. The client must make required payments. ERM 303, p. 4. For relocation services, required payments are actual shelter expenses. ERM 204 (August 2014), p. 1. If the client has not made required payments **and** has no good cause for the nonpayment, a shortfall amount is determined, and the client must pay the shortfall amount toward the cost of resolving the emergency. ERM 303, p. 4; ERM 208 (October 2014), p. 4. Good cause for a failure to prevent a housing emergency exists if either of the following conditions are met: (i) for Petitioner's SER group size of two, the group's net countable income from all sources during each month the group failed to pay its obligations was less than \$240, provided that the group's income was not reduced because of a disqualification of SSI or Department benefits for failure to comply with a program requirement; or (ii) the emergency resulted from unexpected expenses related to maintaining or securing employment, which expenses equal or exceed the monthly obligation. ERM 204, pp 1-2, 3; ERM 201 (March 2013), p. 1. An exception to this policy may be granted on a case by case basis only for unique and unusual circumstances. ERM 104 (August 2014), p. 1.

In this case, the Department testified that Petitioner had unmet required payments totaling \$1200. However, the Department failed to present any evidence to establish (i) the amount of Petitioner's monthly shelter expenses for each of the six months prior to the August 2015 SER application and (ii) Petitioner's net income during each of the six months prior to the application to establish the shortfall and to show that she lacked good cause for any failure to pay her monthly shelter expenses for any of those months.

In the absence of such evidence, the Department has failed to satisfy its burden of showing that it acted in accordance with Department policy when it denied Petitioner's SER application for assistance with relocation services.

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it denied Petitioner's SER application.

DECISION AND ORDER

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

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reregister and reprocess Petitioner's August 18, 2015 SER application;
2. Provide Petitioner with SER assistance she is eligible to receive; and
3. Notify Petitioner in writing of its decision.



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

Date Signed: **11/18/2015**

Date Mailed: **11/18/2015**

ACE / tlf

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: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]