

**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.: 15-023717
Issue No.: 5001
Agency Case No.: [REDACTED]
Hearing Date: February 18, 2016
County: SAGINAW

ADMINISTRATIVE LAW JUDGE: Gary Heisler

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 February 18, 2016, from Lansing, Michigan. Claimant was represented by himself. The Department was represented by Hearing Facilitator [REDACTED]

ISSUE

Did the Department properly deny Claimant's September 23, 2015 State Emergency Relief (SER) application for relocation services?

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 September 23, 2015, Claimant submitted an application for State Emergency Relief (SER) for energy services and relocation services. On the application Claimant indicated he was homeless and provided a mailing address at [REDACTED]
2. On September 25, 2015, Claimant participated in an interview with the Department case worker processing his State Emergency Relief (SER) application. During the interview, Claimant told the case worker he (Claimant) was temporarily renting an efficiency apartment. Claimant's State Emergency Relief (SER) application was denied.
3. On September 30, 2015, Claimant was issued notice that his application for energy services was denied.

4. On October 7, 2015, Claimant left a phone message with his Department case worker that he wanted a hearing about denial of his State Emergency Relief (SER) application.
5. On October 9, 2015, verification of Claimant's reported rent and checking account balance were due for purposes of determining his eligibility for Food Assistance Program (FAP) benefits. The verifications were not received by the Department and Claimant's Food Assistance Program (FAP) was pending for closure.
6. On November 2, 2015, Claimant notified the Department that he had not received a notice regarding his State Emergency Relief (SER) application for relocation services. Claimant was sent a State Emergency Relief Decision Notice (DHS-1419) which stated his request for moving expenses and security deposit was denied.
7. On November 6, 2015, Claimant met with his Department case worker and submitted a rent receipt for purposes of his Food Assistance Program (FAP) benefits.
8. On November 30, Claimant submitted a hearing request.

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.

During this hearing Claimant first testified that he was staying at [REDACTED] on September 23, 2015, at the time of the State Emergency Relief (SER) application. Claimant also testified that [REDACTED] was not an efficiency apartment, it was a commercial property and he could not live there. Later in the hearing Claimant testified that he paid rent to stay at [REDACTED] and submitted a rent receipt to the Department for the month of October 2015. At another point in the hearing Claimant testified that he was not staying at [REDACTED] on September 23, 2015. Claimant also testified that he was out of [REDACTED] by November 1, 2015.

The case notes submitted by the Department state that Claimant reported he was renting an efficiency apartment on September 25, 2015 and that the Department case worker determined that Claimant was not homeless, was not eligible for the State

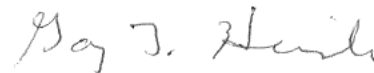
Emergency Relief (SER) funds he applied for and the SER was denied in the program request screen.

Based on the totality of evidence in this record, the Department's denial of Claimant's September 23, 2015 State Emergency Relief (SER) application for relocation services occurred on September 25, 2015. At that time Claimant had informed the Department he had a place to stay at [REDACTED]. Prior to submitting this request for hearing, Claimant submitted a rent receipt for [REDACTED] in order to receive more Food Assistance Program (FAP) benefits.

The circumstances Claimant represented to the Department do not meet the criteria in State Emergency Relief Manual 303 Relocation Services as homeless. 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 September 23, 2015 State Emergency Relief (SER) application for relocation services.

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 Mailed: **2/29/2016**

GH/nr

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:

