



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
Christopher Seppanen
Executive Director

MIKE ZIMMER
DIRECTOR

[REDACTED]

Date Mailed: April 15, 2016
MAHS Docket No.: 16-001974
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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. After due notice, telephone hearing was held on April 05, 2016, from Lansing, Michigan. Participants on behalf of Petitioner included [REDACTED]. [REDACTED] represented the Department of Health and Human Services (Department).

ISSUE

Did the Department of Health and Human Services (Department) properly deny the Petitioner'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 November 16, 2015, the Department received the Petitioner's application for State Emergency Relief (SER) benefits seeking assistance with relocation expenses.
2. The Department approved the Petitioner's State Emergency Relief (SER) application and she made her required co-payment.
3. The Department issued State Emergency Relief (SER) benefits, but on January 25, 2016, the funds were returned to the Department because the vendor's address did not match the Department's database.
4. On February 1, 2016, the Petitioner moved into her new apartment.

5. On February 9, 2016, the Department made a collateral contact attempting to update the correct address of the Petitioner's landlord/vendor.
6. On February 9, 2016, the Department received the Petitioner's request for a hearing protesting the Department's failure to issue 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.

State Emergency Relief (SER) assists individuals and families to resolve or prevent homelessness by providing money for rent, security deposits, and moving expenses. The issuance amount must resolve the group's shelter emergency. Department of Health and Human Services Emergency Relief Manual (ERM) 303 (October 1, 2015), pp 2-7.

The Department will authorize relocation services if the benefit group is homeless, at risk of homelessness, the group meets the criteria of the Family Re-Housing Program or the Rural Homeless Permanent Supportive Housing Initiative (RPSH). ERM 303, pp 1-2.

The Department will not authorize an SER payment before a service is provided, or before a SER group has made a required copayment, contribution, prorated or shortfall payment. All SER service providers must be enrolled in Bridges before payment can be issued. Department of Health and Human Services Emergency Relief Manual (ERM) 401 (October 1, 2013), p 2.

The Provider Management Unit will issue a memo to notify the local office specialist when a treasury warrant, returned to central office, needs corrective action. Supportive documentation will accompany the memo for audit purposes. The Department will attach the memo and documentation to a new DHS-849 authorization and forward to the fiscal unit after processing online. The Department will not replace a vendor/provider warrant unless notified by the program office. ERM 401, p3.

The Provider Management Payments Unit (PMPU) is responsible for completing enrollments and making revisions or corrections to all medical service providers, energy-related service providers and non-energy related service providers. For energy

and non-energy service providers, payments are issued to the individual or business enrolled in Bridges and mailed to the physical address or the address entered in the mailing address section. The provider's mail code in Bridges must match the mail code provided in C&PE to ensure the payment is mailed to the correct address. Department of Health and Human Services Bridges Administrative Manual (BAM) 435 (January 1, 2016), pp 1-5.

The Department will deny SER benefits if applicants refuse to take action or provide information within their ability, or withdraw their application. Applicants must cooperate with the following:

- The application process.
- Provide verifications.
- Answer all questions truthfully and completely, whether written or oral.

Department of Health and Human Services Emergency Relief Manual (ERM) 102 (October 1, 2013), p 1.

The Department of Human Services must provide the following:

- Help in completing forms, answering inquiries, or obtaining verification.
- Confidentiality.
- Information about department programs.
- Assistance to applicants who have trouble reading and/or understanding. Id, p1.

SER applicants have the right to request a hearing regarding any action, failure to act, or undue delay in processing by the department. Id, p2.

On November 16, 2015, the Department received the Petitioner's SER application seeking assistance with relocation expenses to avoid homelessness. It was not disputed that the Petitioner met all the qualification for this benefit or that she made her required co-payment in a timely manner.

However, on January 25, 2016, the Department's payment of its share of the SER benefit was returned to the Department when the address in the Department's accounting database did not match the landlord/vendor. On February 9, 2016, the Department made a collateral contract with the landlord/vendor to obtain information necessary to properly register the landlord in the Department's accounting program, but was unable to locate the landlord by telephone.

The Petitioner testified that under of the terms of her lease, her required co-payment went towards a non-refundable deposit towards her apartment rent. The Petitioner testified that she initially was at risk of becoming homeless in November of 2015, and

was again at risk of becoming homeless for not taking possession of the apartment. It is not disputed that the Petitioner moved into the apartment on February 1, 2016, although the landlord had not received the SER funds the Petitioner was approved for.

Upon discovering that the Petitioner had moved into her new apartment and determining that she was no longer at risk of homelessness, the Department then refused to issue its share of SER benefits claiming that the emergency had been resolved. No evidence was presented on the record that the Petitioner received written notice of this denial of benefits.

The Petitioner met all of the qualification of the SER program and fulfilled all of her duties required by policy. There is no basis in policy establishing a client duty to ensure that a landlord/vendor is properly registered in the Department's accounting program. Despite the fact that the Petitioner has moved into her apartment, the facts support a finding that she remains at risk of homelessness if the Department fails to issue the SER benefits that the Petitioner was approved for.

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 did not act in accordance with Department policy when it failed to issue its share of the State Emergency Relief (SER) benefits that the Petitioner was approved for.

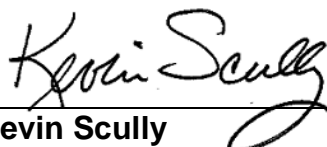
DECISION AND ORDER

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. Process the State Emergency Relief (SER) benefits the Petitioner was approved for in accordance with Department policy.
2. Properly register the Petitioner's landlord/vendor so that State Emergency Relief (SER) benefits can be issued.

KS/las



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

NOTICE OF APPEAL: A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088; 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

DHHS

[REDACTED]

[REDACTED]

Petitioner

[REDACTED]