



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: June 22, 2016
MAHS Docket No.: 16-005626
Agency No.: [REDACTED]
[REDACTED]

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 June 2, 2016, from Lansing, Michigan. The Petitioner was represented by himself and his wife, [REDACTED] [REDACTED]. The Department of Health and Human Services (Department) was represented by [REDACTED], Hearing Facilitator.

ISSUE

Did the Department properly deny the Petitioner's application for State Emergency Relief (SER) because the housing was not affordable?

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 29, 2016, the Petitioner applied for SER for assistance with rent to prevent an eviction. Department Exhibit 1, pgs. 4-7.
2. On April 7, 2016, the Petitioner was denied in error by the Department for not having a court ordered eviction. Department Exhibit 1, pgs. 10-12.
3. On April 19, 2016, the Department received a hearing request for the Petitioner, contesting the Department's negative action.

4. Subsequently, the Department reconsidered the denial and decided to reprocess the SER application.
5. On April 21, 2016, the Department sent the Petitioner a Verification Checklist, DHS 3503, that due by April 28, 2016 to provide required verification to determine SER eligibility. Department Exhibit 1, pgs. 13-14.
6. On April 28, 2016, the Department determined that the Petitioner's housing was not affordable because there was no income in the household and sent the Petitioner a notice. Department Exhibit 1, pgs. 16-18.

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, the Petitioner applied for SER for assistance with rent to prevent an eviction on March 29, 2016. Department Exhibit 1, pgs. 4-7. On April 7, 2016, the Petitioner was denied in error by the Department for not having a court ordered eviction. Department Exhibit 1, pgs. 10-12. On April 19, 2016, the Department received a hearing request for the Petitioner, contesting the Department's negative action. Subsequently, the Department reconsidered the denial and decided to reprocess the SER application. On April 21, 2016, the Department sent the Petitioner a Verification Checklist, DHS 3503, that due by April 28, 2016 to provide required verification to determine SER eligibility. Department Exhibit 1, pgs. 13-14. On April 28, 2016, the Department determined that the Petitioner's housing was not affordable because there was no income in the household and sent the Petitioner a notice. Department Exhibit 1, pgs. 16-18. ERM 206, 303, and 304.

During the hearing, the Department stated that they did not receive any income verification by the due date. As a result, the Petitioner's housing was not affordable and SER was denied. The Petitioner stated that they did submit one check. The Department countered that it was submitted after the due date and it was only 1 check, not a complete month of income as required by policy.

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 determined that the Petitioner's housing was not affordable and the SER application was denied.

DECISION AND ORDER

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

Carmen G. Fahie

Carmen G. Fahie

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

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