



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: November 4, 2016
MAHS Docket No.: 16-014142

[REDACTED]
[REDACTED]

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 October 25, 2016, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by [REDACTED] Hearing Facilitator and [REDACTED] Eligibility Specialist. Department Exhibit 1, pp.1-32 was received and admitted.

ISSUE

Did the Department properly deny Petitioner's application for State Emergency Relief (SER)?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Petitioner applied for State Emergency Relief on September 6, 2016.
2. The Department denied Petitioner's application on September 13, 2016, based on "You do not have an emergency" because they were told Petitioner was residing with family and was not homeless. (Dept. Ex.1, p.3)
3. Petitioner testified that she was homeless and not living with family on September 6, 2016.

4. Petitioner requested a hearing on September 16, 2016, disputing the denial of her September 6, 2016, SER application. Petitioner checked the box for FAP benefits on the request but made no mention of FAP benefits in the explanation on the request.
5. Petitioner filed a subsequent SER relocation application that was approved and is pending her co-payments.

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.

ELIGIBILITY REQUIREMENTS

Authorize relocation services only if one of the following circumstances exists and all other SER criteria are met.

The SER group is homeless. The definition of homelessness for SER means that there is no housing that the group can return to. To be considered homeless, the SER group must meet one of the following criteria: Has a primary night-time residence that is a public or private place not meant for human habitation, (the group is sleeping in a car or on the streets).

Is living in an emergency shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or by federal, state and local government programs); or

Is exiting an institution where (s)he has resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution.

The SER group is at risk of homelessness. ERM 303

In this case, Petitioner testified that she was homeless on September 6, 2016, when she applied for State Emergency Relief. The case worker who allegedly was told that Petitioner was residing with family and not homeless did not appear at hearing. Without any evidence other than the case notes, the undersigned administrative law judge finds Petitioner's testimony credible and finds that she was homeless.

However, Petitioner's subsequent SER application for relocation assistance was approved and is pending her co-payments. Petitioner acknowledged this at hearing. There would be no benefit to Petitioner for the Department to process the September 6, 2016, SER application at this time because the subsequent application was approved. The Department's approval of Petitioner's subsequent SER application was proper and correct.

DECISION AND ORDER

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 approved Petitioner's SER application.

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



Aaron McClintic

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

