



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: February 10, 2017  
MAHS Docket No.: 16-018181  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Christian Gardocki

### **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 [REDACTED], from [REDACTED] Michigan. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by [REDACTED], hearing facilitator.

### **ISSUE**

The issue is whether MDHHS properly denied Petitioner's request 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. On [REDACTED], Petitioner applied for SER requesting assistance, in part, for assistance towards payment of a [REDACTED] security deposit.
2. MDHHS did not request in writing a verification of Petitioner's security deposit amount.
3. On [REDACTED], MDHHS denied Petitioner's SER application due to Petitioner's failure to verify a security deposit amount.

4. On [REDACTED], Petitioner requested a hearing to dispute the denial of SER concerning relocation.
5. In [REDACTED] Petitioner submitted a document verifying her security deposit amount.

### **CONCLUSIONS OF LAW**

The State Emergency Relief (SER) program is established by the Social Welfare Act, MCL 400.1-.119b. The SER program is administered by MDHHS (formerly known as the Family Independence Agency) pursuant to MCL 400.10 and Mich Admin Code, R 400.7001 through R 400.7049. MDHHS policies are contained in the Services Emergency Relief Manual (ERM).

Petitioner requested a hearing to dispute a denial of SER. Petitioner's only disputed SER program concerned relocation costs. Petitioner testimony clarified that she requested [REDACTED] for a security deposit. MDHHS presented a State Emergency Relief Decision Notice (Exhibit 1, pp. 1-3) dated [REDACTED]. The stated reason for SER denial was an unspecified Petitioner failure to meet program requirements. MDHHS testimony clarified that Petitioner failed to verify the amount of her security deposit.

It was not disputed that Petitioner failed to submit proof of her security deposit amount to MDHHS before the denial date. The SER denial occurred before MDHHS fulfilled a procedural requirement.

Clients must be informed of all verifications that are required and where to return verifications. ERM 103 (October 2015), p. 6. [MDHHS is to] use the DHS-3503, SER Verification Checklist, to request verification and to notify the client of the due date for returning the verifications. *Id.* The due date is eight calendar days beginning with the date of application. *Id.* If the application is not processed on the application date, the deadline to return verification is eight calendar days from the date verification is requested. *Id.*

MDHHS testimony conceded a DHS-3503 was not mailed to Petitioner before Petitioner's SER application was denied. MDHHS testified that Petitioner was verbally told of her requirement to submit proof of security deposit amount. MDHHS policy does not allow for verbal notices. Thus, the alleged verbal verification request may not substitute for a required written verification request.

MDHHS need not be ordered to request Petitioner's security deposit amount as MDHHS testimony conceded the amount was now verified. MDHHS will be ordered to reprocess Petitioner's application based on the security deposit verification already submitted by Petitioner.

**DECISION AND ORDER**

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS improperly denied Petitioner's SER application. It is ordered that MDHHS begin to perform the following actions within 10 days of the date of mailing of this decision:

- (1) Re-register Petitioner's SER application dated [REDACTED]; and
- (2) Process Petitioner's SER application based on Petitioner's already submitted security deposit amount verification subject to the finding that MDHHS failed to properly request verification of Petitioner's security deposit amount.

The actions taken by MDHHS are **REVERSED**.

CG/hw



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**Christian Gardocki**  
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]  
[REDACTED]

[REDACTED]  
[REDACTED]

**Petitioner**

[REDACTED]  
[REDACTED]  
[REDACTED]