



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: March 21, 2017
MAHS Docket No.: 17-001271
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Vicki Armstrong

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 personally appeared and testified.

The Department of Health and Human Services (Department) was represented by Hearing Facilitator, [REDACTED]. [REDACTED] testified on behalf of the Department. The Department submitted 33 exhibits which were admitted into evidence. The record was closed at the conclusion of the hearing.

ISSUE

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

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 rent to relocate. [Dept. Exh. 3-10].
2. On [REDACTED], the Department issued Petitioner a Verification Checklist for SER. [Dept. Exh. 13-14].
3. On [REDACTED], Petitioner was denied for SER for failing to return the requested verifications. [Dept. Exh. 15-18].

4. On [REDACTED], Petitioner was denied for not returning the requested verifications. [Dept. Exh. 3-10].
5. On [REDACTED], Petitioner applied for SER for rent to relocate. [Dept. Exh. 24-27].
6. On [REDACTED], the Department issued Petitioner a Verification Checklist with a due date of [REDACTED]. [Dept. Exh. 29-30].
7. On [REDACTED], Petitioner dropped off a letter from [REDACTED] indicating Petitioner had been a resident, but had left on [REDACTED]. [Dept. Exh. 28].
8. On [REDACTED], the Department issued a State Emergency Relief Decision Notice denying Petitioner's application for SER. [Dept. Exh. 31-33].
9. On [REDACTED], Petitioner requested a hearing on the Department's negative action.

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.

An SER group is eligible for moving expenses 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

Note: Groups who voluntarily left their home, but can return without a threat to their health or safety, are not homeless. ERM 303, pp 1-2.

Persons who are homeless; living in an emergency shelter, on the street, in a car or place unfit for human habitation must provide a written observation by an outreach worker, written referral by another service provider, or a written statement from the head of household stating that the SER group is living on the streets. ERM 303, p 3. Verification from an outreach worker or service provider must be on official letterhead, signed and dated. ERM 303, p 3.

Persons eligible for one of the homeless assistance programs listed above must have a written referral by the service provider verifying that the SER group is eligible for the program. The verification must be on agency letterhead with the homeless assistance program identified, signed and dated. *Id.*

Persons at imminent risk of homelessness must provide a court summons, order or judgment resulting from an eviction action. *Id.*

A MDHHS services worker or MDHHS specialist, with supervisory approval, determines the family must be relocated from unsafe housing for the protection of the children. *Id.*

If moving expenses are authorized the issuance amount must resolve the group's shelter emergency and the SER group determines how to use the authorized relocation funds. *Id.* The issuance amount must resolve the group's shelter emergency. *Id.* Relocation funds may be authorized for any combination of the following services:

- First month's rent.
- Rent arrearage.
 - Mobile home lot rent for owners or purchasers is a Home ownership service found in ERM 304.
 - Mobile home lot rent for renters is a relocation service covered by this Item.
- Security deposit (if required).
- Moving expenses (to relocate household effects). *Id.*

The Department offers the following examples: Group A decides to use their entire relocation services amount for a rent arrearage; Group B wants to use their relocation services amount for the first month's rent on a new apartment; Group C requests first month's rent and rental of a U-Haul trailer.

Department policy states that clients must cooperate with the local office in determining initial and ongoing eligibility. BAM 105, p 8 (7/1/2015). This includes completion of the necessary forms. BAM 105, p 8. Clients who are able but refuse to provide necessary information or take a required action are subject to penalties. BAM 105, p 9. Clients must take actions within their ability to obtain verifications. BAM 105, p 12.

Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130, p 1 (7/1/2015). Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. BAM 130, p 1.

The Department uses the Verification Checklist, DHS-3503, to tell the client what verification is required, how to obtain it and the due date. BAM 130, p 3. The client must obtain the required verification, but the Department must assist if they need and request help. BAM 130, p 3.

In this case, Petitioner was homeless and living in a shelter. However, she did not timely provide proof of living in the shelter when she first applied on [REDACTED]. When Petitioner did turn in the proof of living at [REDACTED] on [REDACTED], she had since moved to another shelter in the interim, and had not been living at [REDACTED] since [REDACTED]. She also had not provided the Department with a letter from a current prospective landlord. At the close of the hearing, Petitioner indicated she now understood.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department properly denied Petitioner's SER application for failure to submit the requested verifications.

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

VLA/bb



Vicki Armstrong
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]

Petitioner

[REDACTED]