



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: August 4, 2017  
MAHS Docket No.: 17-008509  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Denise McNulty**

### **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; 42 CFR 438.400 to 438.424; 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 Detroit, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by [REDACTED], Assistance Payments Worker.

### **ISSUE**

Did the Department properly deny Petitioner's [REDACTED], 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. On [REDACTED], Petitioner submitted a second application for SER benefits to assist her with relocation expenses. The first application was submitted in [REDACTED]. The Department sent Petitioner a Notice of Case Action on [REDACTED], notifying her that her application was denied due to affordability. [Exhibits 2, p. 1, and Exhibit 3.] Petitioner had not provided the Department with documentation that she was approved for Section 8 housing, which covered the majority of her shelter costs timely. [Exhibit 3, p. 5.]
2. In support of Petitioner's [REDACTED] SER application, she submitted copies of two police reports showing that she was the victim of an assault & battery in [REDACTED] and of a burglary in [REDACTED] at the address from which she wished to move. [Exhibit 4, pp. 2-3.]

3. On [REDACTED], Petitioner submitted a copy of a court order showing that she was the Plaintiff in a court matter in the Family Division of the [REDACTED] Judicial Circuit Court. The document intimates that there is a personal protection order in place in against the redacted named male defendant (defendant). [Exhibit 4, p. 1.] The order further indicates that the defendant remained hospitalized as of [REDACTED].
4. On [REDACTED], the Department sent Petitioner a SER Decision Notice which notified Petitioner that her application for benefits had been denied because she did not have an emergency. Petitioner relocated on or about [REDACTED].
5. On [REDACTED], Petitioner filed a Request for Hearing disputing the Department's actions.
6. In the request for hearing, Petitioner indicated she wanted to dispute the Department's actions with respect to her Food Assistance Program (FAP) benefits and her SER application. At the hearing, Petitioner testified that she was not disputing the Department's actions regarding her FAP benefits as she was satisfied with the reasons for the actions taken regarding her 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).

Petitioner listed both the State Emergency Relief (SER) program and the Food Assistance Program (FAP) in her request for hearing. At the hearing, Petitioner testified that she was not disputing the Department's actions regarding her FAP benefits that she understood the reasons for the actions taken. Therefore her request for hearing regarding FAP benefits is dismissed.

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.

Additionally, the SER program assists individuals and families to resolve or prevent homelessness by providing money for rent, security deposits, and moving expenses. ERM 303 (10-1-15), p. 1. In this case, when Petitioner submitted her [REDACTED], application for SER assistance, the individual she reportedly was concerned about was hospitalized. The police reports submitted in [REDACTED] were about incidents that occurred 2 to 3 months earlier. The police reports did not indicate the issue involved domestic violence nor did the court order submitted in [REDACTED]. The Department had no documentation from Petitioner to alert them that her request for relocation involved alleged domestic violence. An MDHHS services worker or MDHHS specialist, with supervisory approval, determines the family must be relocated from unsafe housing for

the protection of the children. ERM 303 (10-1-15), p. 4. The documentation provided to the Department did not indicate that the home was unsafe for the children at the time of the SER application. As such, based on the Petitioner's circumstances as known by the Department at the time it issued the Notice of Case Action on [REDACTED], it properly applied policy when it denied Petitioner's application for SER assistance finding that she did not have an emergency. Petitioner relocated her family on or about [REDACTED].

### **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 denied Petitioner's [REDACTED], application for SER assistance.

The Department's decision with respect to Petitioner's SER application is **AFFIRMED**.

Petitioner having testified that she no longer disputes the Department's actions with regards to her FAP benefits and does not want a hearing on same, it is hereby ordered that Petitioner's request for hearing regarding FAP benefits is dismissed.



DM/jaf

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**Denise McNulty**  
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]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
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