



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

SHELLY EDGERTON  
DIRECTOR

[REDACTED]

Date Mailed: November 2, 2017  
MAHS Docket No.: 17-009832  
Agency No.: [REDACTED]  
Petitioner: [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; 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 September 13, 2017, from [REDACTED] Michigan. The Petitioner was represented by himself. The Department of Health and Human Services (Department) was represented by [REDACTED] [REDACTED] Lead Worker.

**ISSUE**

Did the Department properly determine the Petitioner's eligibility for State Emergency Relief (SER) for security deposit and relocation services?

**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 July 5, 2017, the Petitioner applied for SER. Department Exhibit 1, pgs. 5-6.
2. On July 14, 2017, the Department Caseworker documented on the case notes that the Petitioner verbally withdrew his SER request because he did not have his contribution amount due before DHHS releases the authorized payment. Department Exhibit 1, pg. 7.
3. On July 14, 2017, the Department Caseworker sent the Petitioner a State of Emergency Relief Decision Notice, DHS 1419, stating that he requested his SER application be stopped. Department Exhibit 1, pgs. 8-9.
4. On July 17, 2017, the Department received a hearing request from the Petitioner, contesting 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.

In this case, the Petitioner applied for SER on July 5, 2017. Department Exhibit 1, pgs. 5-6. On July 14, 2017, the Department Caseworker documented on the case notes that the Petitioner verbally withdrew his SER request because he did not have his contribution amount due before DHHS releases the authorized payment. Department Exhibit 1, pg. 7. On July 14, 2017, the Department Caseworker sent the Petitioner a State of Emergency Relief Decision Notice, DHS 1419, stating that he requested his SER application be stopped. Department Exhibit 1, pgs. 8-9. On July 17, 2017, the Department received a hearing request from the Petitioner, contesting the Department's negative action.

During the hearing, the Department reversed its decision because the Petitioner did make his payment timely. The Department agrees to make the required SER payment of \$ [REDACTED] to the Petitioner's landlord. The Petitioner was satisfied with the Department's proposed action..

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 did not act in accordance with Department policy when it failed to make the required SER landlord payment of \$ [REDACTED] even though the Petitioner had made his required payment of \$ [REDACTED] and provided the Department with verification of the payment.

### **DECISION AND ORDER**

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

The Department is ordered to begin doing the following, in accordance with department policy and consistent with this hearing decision, within 10 days of the date of mailing of this decision and order of initiating a redetermination of the Petitioner's eligibility for SER retroactive to his SER application dated July 5, 2017, by making the Department's required copay of \$ [REDACTED] to the Petitioner's Landlord.

Based on policy, the Department should provide the Petitioner with written notification of the Department's revised eligibility determination and issue the Petitioner any retroactive benefits he may be eligible to receive, if any.

*Carmen G. Fahie*

CF/nr

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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

**DHHS**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**Petitioner**

[REDACTED]