



RICK SNYDER  
GOVERNOR

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

SHELLY EDGERTON  
DIRECTOR

[REDACTED]  
[REDACTED]  
[REDACTED]

Date Mailed: October 13, 2017  
MAHS Docket No.: 17-009220  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris**

**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 19, 2017, from Detroit, Michigan. The Petitioner was represented by himself. A Bengali translator, [REDACTED], also appeared for the Petitioner. The Department of Health and Human Services (Department) was represented by [REDACTED], Eligibility Specialist.

**ISSUE**

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

**FINDINGS OF FACT**

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

1. The Petitioner applied for SER on June 6, 2017. Exhibit A
2. On June 6, 2017, the Department issued an Application Notice which denied the SER application due to Petitioner's failure to provide a Court Order for eviction. Exhibit B.
3. On June 21, 2017, after denial of the application, the Petitioner returned a Judgement for Eviction requiring that he move on or before August 21, 2017. Exhibit C.

4. On July 13, 2017, the Petitioner provided a note from the landlord for a new place located at [REDACTED]
5. The Department did not seek verification of court order of eviction.
6. On July 14, the Petitioner submitted a Judgment of Landlord Tenant to the Department. Exhibit C.
7. The Petitioner moved to a new residence on August 1, 2017.
8. The Petitioner requested a timely hearing on or about June 9, 2017 protesting the Department's 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 moved to a new residence on August 1, 2017. The Department received the Petitioner's SER application on June 6, 2017 and did not seek verification requesting a judgement of order of eviction as required by Department policy. ERM 303, (October 2015), p. 3. The Department instead denied the application for SER stating simply the Petitioner's was ineligible. The Department testified that they received a Judgment of Eviction on June 21, 2017 the date it was entered. This was after the Petitioner had been denied for the first time. The Department failed to present a case demonstrating the facts that it testified to during the hearing such as the Petitioner had already moved at the time of the June 6, 2017 application. Clearly the Petitioner based on his testimony moved on August 1, 2017 and there is no support for the Department's testimony that he moved on June 6, 2017. That being said the following policy is applicable in this case.

SER applicants can file or obtain an application until at least 5:00 p.m. each business day. Accept and register an SER application if the following information is provided:

- Applicant name.
- Address or statement of homelessness.

- Birthdate.
- Applicant's or authorized representative's signature.  
ERM 102, (October 1, 2013) p. 1

**Clients must be informed of all verifications that are required and where to return verifications. The due date is eight calendar days beginning with the date of application. If the application is not processed on the application date, the deadline to return verifications is eight calendar days from the date verification is requested. This does not change the standard of promptness date.**

**Note:** When the eighth day falls on a state-observed holiday, the due date for verifications to be returned will be extended to the following business day.

Use the DHS-3503, SER Verification Checklist, to request verification and to notify the client of the due date for returning the verifications.

The client must make a reasonable effort to obtain required verifications. The specialist must assist if the applicant needs and requests help. If neither the client nor the specialist can obtain the verifications despite a reasonable effort, use the best available information. If no evidence is available, the specialist must use their best judgment. ERM 103 (February 2017), p. 6-7

ERM 303 Relocation Services likewise requires that the Department verify homelessness and all other SER criteria must be met. In this case there was no evidence that any verification took place. The Department did not request verification of current address, proof of homelessness, verification of shelter payments for the last 6 months, housing affordability as required by ERM 303. (October 1, 2015) P. 4. In addition, housing affordability is a condition of eligibility for SER and applies only to Relocation Services. ERM 207 (October 1, 2015), p. 1. SER is to be denied if the group does not have sufficient income to meet their total housing obligation which cannot exceed 75% of the groups total net countable income. ERM 101, (March 2013), p. 1.

As regards the general denial for relocation services by the Department, in its Application Notice issued the day of the application which did not indicate why the application was denied, the Department testified that the Petitioner failed to provide a court ordered eviction notice, and the Department provided no proof that it requested the Petitioner to provide verification of homelessness or eviction, and thus, it improperly denied the application without seeking any verification.

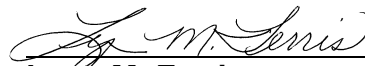
However, notwithstanding the Department's failure to verify and obtain the information necessary to make an informed decision in this case as required by Department policy, the emergency was resolved when the Petitioner moved into a new residence on August 1, 2017, and thus no relief can be granted to the Petitioner in spite of the Department's failure to properly process the Petitioner's application. In addition, at the time of the June 6, 2017 application, the Petitioner did not have a judgment or order of eviction and thus was not eligible for SER until the court order was issued. In order to be eligible, the applicant must be facing an emergency and is at risk for homelessness. ERM 101 (March 2013) p. 1.

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 denied the application for relocation assistance without seeking verification of necessary information; however, no relief can be granted the Petitioner because the emergency was resolved by the Petitioner and at the time of the application no order or judgment of eviction existed.

### **DECISION AND ORDER**

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

LF/tm



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**Lynn M. Ferris**

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]

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