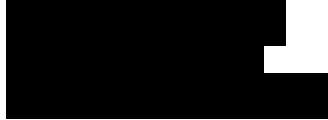




RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR



Date Mailed: December 26, 2017
MAHS Docket No.: 17-015084
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Ellen McLemore

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, an in-person hearing was held on December 20, 2017, from Warren, Michigan. Petitioner was present and represented herself. The Department of Health and Human Services (Department) was represented by Lynda Brown, Hearing Facilitator.

ISSUE

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

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 September 9, 2017, Petitioner's residence was destroyed by fire.
2. On [REDACTED], 2017, Petitioner submitted an application for SER benefits for relocation services.
3. On November 1, 2017, the Department sent Petitioner a State Emergency Relief Decision Notice informing Petitioner that her application for SER benefits was denied (Exhibit 1).
4. On November 16, 2017, Petitioner submitted a request for hearing disputing the Department's actions.

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, Petitioner submitted an application for SER benefits on [REDACTED] 2017, requesting relocation services. The residence at which Petitioner had been living had been destroyed by fire on September 9, 2017. Petitioner was residing with friends at the time she applied for benefits. The Department denied Petitioner's application for SER benefits because the Department believed she did not meet the definition of homeless.

SER assists individuals and families to resolve or prevent homelessness by providing money for rent, security deposits, and moving expenses. ERM 303 (October 2015), p. 1. The Department authorizes SER benefits for relocation services if (i) the group is homeless; (ii) at risk of homelessness; or (iii) the group meets the eligibility requirements for certain homeless assistance programs. ERM 303, pp. 1-2. A group living with friends or relatives is not homeless, even if the arrangement is temporary unless (i) the group is living temporarily with other persons following a fire or natural disaster that occurred not more than 60 days before the date the group files an application for SER; (ii) the group is living with other persons to escape a domestic violence situation; or (iii) the group meets eligibility criteria for certain homeless assistance programs. ERM 303, pp. 2-3.

Petitioner gave credible testimony that she was living with friends because her residence was destroyed by a fire. Petitioner submitted the application for SER benefits within 60 days of the fire. Therefore, per policy, Petitioner meets the definition of homeless. Thus, the Department did not follow policy when it denied Petitioner's application for SER benefits.

DECISION AND ORDER

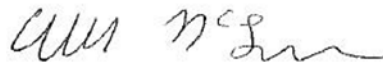
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department did not act in accordance with Department policy when it denied Petitioner's application for SER benefits.

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:

1. Reregister and reprocess Petitioner's application for SER benefits;
2. If Petitioner is eligible for SER benefits, issue benefits she is entitled to receive but did not as a result of the denial of the application;
3. Notify Petitioner of its SER decision in writing.

EM/



Ellen McLemore

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

MDHHS-Macomb-20-Hearings

Petitioner



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T Bair
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