



RICK SNYDER  
GOVERNOR

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

SHELLY EDGERTON  
DIRECTOR

[REDACTED]  
[REDACTED]  
[REDACTED]

Date Mailed: January 29, 2018  
MAHS Docket No.: 17-006146  
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 September 14, 2017, from Detroit, Michigan. The Petitioner represented herself. The Department of Health and Human Services (Department) was represented by [REDACTED], Hearing Facilitator.

**ISSUE**

Did the Department properly deny Petitioner's April 10, 2017, 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 April 10, 2017, Petitioner submitted an application for SER benefits to assist with relocation and security deposit. [Exhibit A, pp. 5-8.] Petitioner requested \$799 for the security deposit.
2. On April 10, 2017, the Department sent Petitioner a State Emergency Relief Decision Notice informing her that her application was denied because the shelter was unaffordable according to SER requirements. [Exhibit A, pp. 16-18.]
3. On April 24, 2017, Petitioner submitted a request for hearing disputing the Department's decision regarding her eligibility for SER benefits.

4. On May 8, 2017, Petitioner paid the \$ [REDACTED] security deposit and relocated to new housing.

### **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 applied for SER benefits on April 10, 2017, in the amount of \$ [REDACTED] for the security deposit on a new residence. Her application was denied by the Department on the basis that Petitioner could not afford the housing per SER requirement. On April 10, 2017, the Department sent Petitioner a State Emergency Relief Decision Notice informing her that her application was denied.

Petitioner submitted a request for hearing on April 24, 2017. On May 8, 2017, Petitioner paid the \$ [REDACTED] security deposit and moved into the new housing. The Department testified that Petitioner was denied benefits because she did not meet the affordability requirement.

Housing affordability is a condition of eligibility for State Emergency Relief (SER) and applies only to Relocation Services (ERM 303). ERM 207 (October 2015), p.1 SER assists individuals and families to resolve or prevent homelessness by providing money for rent, security deposits, and moving expenses. ERM 303 (October 2017), p. 1. Authorization for payment can only be made if the SER group meets all the criteria and the group is homeless or is at risk of homelessness. ERM 303, p. 2. Persons at imminent risk of homelessness must provide a court summons, order or judgment resulting from an eviction action. ERM 303, p. 3. Petitioner provided the Department with a copy of an Order of Eviction.

An application for SER for relocation services can only be approved if the group's rental obligation meets the criteria for housing affordability specified in ERM 207. ERM 303, p. 4. Maximum SER payment for relocation purposes for a group size of three is \$ [REDACTED] ERM 303 p. 7.

Verify the group shelter payments for the past six months and enter the obligation amount and verification source on the SER Required Payments screen. If required payments have not been made, Bridges will determine whether the SER group had

good cause for non-payment of their shelter obligation during the last six months, regardless of the reason they are in need. ERM 303, p. 4. See ERM 204

During each of the last six months, prior to application for benefits, Petitioner had an obligation to make rent payments ranging in amount from \$█ to \$█. The only rent payment made was in March 2017, Petitioner made a payment of \$█ on her rent. Petitioner was responsible for the heat and electricity and made \$█ payments. Petitioner's source of income is child support for her two daughters. Petitioner received an average of \$█ per month in child support.

On Petitioner's April 10, 2017, application for benefits she requested a security deposit of \$█ and indicated she believed her rent would be \$█ for the home in which she hoped to relocate. No documentation was provided to show the new rent obligation until May 10, 2017. Based on the information provided to the Department the \$█ figure was used as the rental obligation amount when determining her eligibility on April 10, 2017.

SER benefits can only be authorized if the SER group has sufficient income to meet ongoing housing expenses. An SER group that cannot afford to pay their ongoing housing costs plus any utility obligations will not be able to retain their housing, even if SER is authorized. REM 207 (October 2015), p. 1

Policy provides that the Department is to deny SER if the group does not have sufficient income to meet their total housing obligation. The total housing obligation cannot exceed 75% of the group's total net countable income. REM 207, p. 1. In this case, Petitioner's total countable average income was \$█ per month. 75% of Petitioner's monthly income averaged \$█. It is found the Department acted in accordance with policy when it determined Petitioner's SER eligibility.

### **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 April 10, 2017, application for SER benefits. Accordingly, the Department's decision is **AFFIRMED**.

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]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**Petitioner**

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