



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: February 1, 2018
MAHS Docket No.: 17-010349
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, telephone hearing was held on September 25, 2017, from Detroit, Michigan. The Petitioner represented herself. The Department of Health and Human Services (Department) was represented by [REDACTED], Eligibility Specialist.

ISSUE

Did the Department properly deny Petitioner's 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. Petitioner submitted an application for SER on July 11, 2017.
2. On July 13, 2017, the Department sent Petitioner Verification of Employment forms regarding the beginning of new employment and the ending of a different job. It is unknown if the Department received the information.
3. On July 21, 2017, the Department sent Petitioner a Verification Checklist requesting proofs regarding her checking account and rent. Petitioner submitted the information on July 24, 2017.
4. On July 27, 2017, the Department sent Petitioner an SER Decision Notice informing her that her application was denied.

5. On July 24, 2017, the Department received Petitioner's request for a hearing regarding her SER application.

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.

Additionally, 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.

In this case, Petitioner requested a hearing to dispute the Department's denial of her SER application. The Department denied Petitioner's application on the basis that her income/asset copayment was equal to or greater than the amount needed to resolve the emergency. [Exhibit A, p. 7.] The Department presented two budgets with contradictory Asset Co-payment amounts. The Department did not present any evidence as to how it calculated the budgets. It is unknown what information was used to determine the co-payment amounts and the total cash assets contained in the budget. The worker is responsible for verifying information, certifying the eligibility results and authorizing the payment. ERM 208 (October 2017), p. 1. It is found that the Department has failed to satisfy its burden of showing that it acted in accordance with Department policy when it denied Petitioner's application.

DECISION AND ORDER

It is found that the Department has failed to satisfy its burden of showing that it acted in accordance with Department policy when it denied Petitioner's application.

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 the July 11, 2017, SER application;

2. Issue any SER benefits Petitioner was eligible to receive, if any, but did not receive; and
3. Notify Petitioner of its decision in accordance with Department policy.



DM/jaf

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]

Petitioner

[REDACTED]
[REDACTED]
[REDACTED]

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