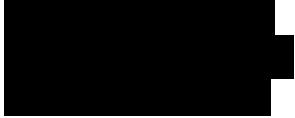




RICK SNYDER  
GOVERNOR

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

SHELLY EDGERTON  
DIRECTOR



Date Mailed: March 22, 2018  
MAHS Docket No.: 18-000316  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Kevin Scully

**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; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, telephone hearing was held on February 22, 2018, from [REDACTED] Michigan. Petitioner represented herself. The Department was represented by [REDACTED]

**ISSUE**

Did the Department of Health and Human Services (Department) properly denied Petitioner's application for State Emergency Relief (SER) assistance?

**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 October 23, 2017, the Department received Petitioner's application for State Emergency Relief (SER) assistance.
2. On November 7, 2017, the Department notified Petitioner that she was approved for Food Assistance Program (FAP) assistance.
3. State Emergency Relief (SER) assistance was not issued for the October 23, 2017, application because it was later discovered that the contractor that had been selected was not properly licenses to perform the work that was necessary.
4. On November 26, 2017, the Department received Petitioner's application for State Emergency Relief (SER) assistance.
5. On December 18, 2017, the Department received Petitioner's application for State Emergency Relief (SER) assistance.

6. On December 27, 2017, the Department notified Petitioner that she was not eligible for State Emergency Relief (SER) assistance.
7. On January 3, 2018, the Department received Petitioner's application for State Emergency Relief (SER) assistance.
8. On January 3, 2018, the Department notified Petitioner that she was not eligible for State Emergency Relief (SER) assistance because the repairs to her home were already completed.
9. On January 4, 2018, the Department received Petitioner's request for a hearing.

### **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.

SER assists with home repairs to correct unsafe conditions including repairs to roofs. The repairs must restore the home to a safe, livable condition. Department of Health and Human Services Emergency Relief Manual (ERM) 304 (October 1, 2017), pp 1-3.

On October 23, 2017, the Department received Petitioner's SER application where she requested assistance with repairs to her home's roof. The Department approved this application, but no benefits were issued after it was discovered that the contractor Petitioner had selected to repair her roof was not properly licensed.

On November 26, 2017, Petitioner reapplied for SER assistance, but the Department denied this application based on Petitioner's statement that the repairs had been completed and there was no longer an emergency situation.

On December 18, 2017, Petitioner reapplied for SER assistance and on December 27, 2017, her application for assistance for failure to return required verification material.

On January 3, 2018, Petitioner reapplied for SER assistance and the Department denied this application based on the results of a Front-End Eligibility investigation suggesting that the repairs had already been completed.

The Department's representative testified that Petitioner reported that the roof repairs had been completed but claimed that the repairs were not complete after her application was denied.

This Administrative Law Judge finds that inconsistent statements by Petitioner as to the status of the repair of her roof is not justification to deny her SER application but should have been considered a discrepancy between sources of information required to Department to seek additional verification. Department of Health and Human Services Bridges Administrative Manual (BAM) 210 (April 1, 2017), p 9.

It is not clear from the Department's investigation that the status of the roof repairs was ever confirmed. While it was not proper for Petitioner to assume that her application would be approved based on the Department's approval of prior applications, the Department failed to establish that Petitioner's home is in a livable condition due to either an unrepaired roof, or a partially repaired roof.

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 State Emergency Relief (SER) application because her emergency had already been resolved.


### **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:

Reprocess Petitioner's January 3, 2018, application for State Emergency Relief (SER) assistance after providing her with a ten-day period to provide verification of whether her home requires roof repairs to restore it to a livable condition.

KS/nr

  
\_\_\_\_\_  
Kevin Scully  
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]

**Petitioner**

[Redacted]