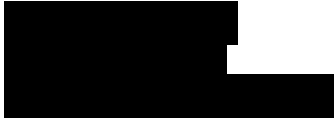




RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR



Date Mailed: June 8, 2018
MAHS Docket No.: 18-003916
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Eric J. Feldman

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 June 5, 2018, from Lansing, Michigan. Petitioner represented herself for the hearing. The Department of Health and Human Services (Department) was represented by Tiffany Dixon, Assistant Payment Supervisor.

ISSUE

Did the Department properly deny Petitioner's State Emergency Relief (SER) application for assistance with relocation services (rent to prevent eviction)?

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 March 19, 2018, Petitioner applied for SER assistance for relocation services (rent to prevent eviction). [Exhibit A, pp. 9-43.]
2. In the application, Petitioner reported her household size was five, which included her adult son and his wife (Petitioner's daughter-in-law). In the Additional Information section of the application, Petitioner reported that her son and his wife have their own case with the Department, despite them residing in her home. [Exhibit A, pp. 11, 15-16, and 34.]
3. On March 20, 2018, the Department sent Petitioner a SER Verification Checklist, which requested verification of the following: (i) her son's checking account; (ii) her

son's wages; and (iii) her son's savings account. The verifications were due back by March 27, 2018. [Exhibit A, pp. 7-8.]

4. Per the credible testimony of Petitioner, she submitted the requested verifications to her caseworker via e-mail on March 21, 2018.
5. On March 28, 2018, the Department sent Petitioner a SER Decision Notice notifying her that her SER application for rent to prevent eviction in the amount of \$ [REDACTED] was denied because she failed to comply with the verification requirements. [Exhibit A, pp. 4-5.]
6. On April 9, 2018, Petitioner filed a hearing request, protesting the Department's action. [Exhibit A, p. 2.]

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.

Preliminary matter

On March 19, 2018, Petitioner also applied for SER assistance for heat and electricity. [Exhibit A, pp. 9-43.] On March 28, 2018, the Department also denied Petitioner's request for heat and electricity. [Exhibit A, pp. 4-5.] During the hearing, Petitioner indicated that she did not dispute the denial of her SER request for heat and electricity. As a result, the undersigned Administrative Law Judge (ALJ) will not address Petitioner's SER denial for heat and electricity.

SER application for relocation services

State Emergency Relief (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. The Department accepts the decision of the SER group regarding use of the relocation funds authorized. ERM 303, p. 1. The issuance amount must resolve the group's shelter emergency. ERM 303, p. 1. Authorize any combination of the following services: first month's rent; rent arrearage; security deposit; and moving expenses. ERM 303, p. 1.

On March 19, 2018, Petitioner applied for SER assistance for relocation services (rent to prevent eviction). [Exhibit A, pp. 9-43.] In the application, Petitioner reported her household size was five, which included her adult son and his wife (Petitioner's daughter-in-law). [Exhibit A, pp. 11, 15-16, and 34.] In the Additional Information section of the application, Petitioner reported that her son and his wife have their own case with the Department, despite them residing in her home. [Exhibit A, pp. 11, 15-16, and 34.] On March 20, 2018, the Department sent Petitioner a SER Verification Checklist, which requested verification of the following: (i) her son's checking account; (ii) her son's wages; and (iii) her son's savings account. [Exhibit A, pp. 7-8.] The verifications were due back by March 27, 2018. [Exhibit A, pp. 7-8.] The Department argued that Petitioner failed to submit the verifications by the due date, which resulted in the denial of her SER application for rent to prevent eviction. [Exhibit A, pp. 4-5.]

In response, Petitioner argued that her son and his wife reside with her, but that they should not be included in the group composition. In the application, Petitioner testified she informed the Department that her son and his wife have a separate case. [Exhibit A, pp. 7-8.] Therefore, she claimed the SER Verification Checklist was irrelevant because it only requested documents concerning her son, who should not be included in the group composition. Nevertheless, Petitioner testified that she submitted the verification of her son's assets and wages to her caseworker via e-mail on March 21, 2018.

It should be noted that the undersigned asked Petitioner several questions to determine if her son and his wife should be part of the SER group composition and relied on ERM 201, Group Composition. Based on Petitioner's testimony and the evidence record, the undersigned determined that Petitioner's son and his wife are included in the SER group composition. See ERM 201 (October 2015), pp. 1-2. Petitioner's son and wife do *not* meet any of the excluded group member's criteria in which they could be excluded from the SER group. As such, the evidence established that Petitioner's SER group composition is five, which meant that the SER Verification Checklist sent concerning her son's assets and wages was proper.

Clients must be informed of all verifications that are required and where to return verifications. ERM 103 (January 2018), p. 7. The due date is eight calendar days beginning with the date of application. ERM 103, p. 7. If the application is not processed on the application date, the deadline to return verification is eight calendar days from the date verification is requested. ERM 103, p. 7. This does not change the standard of promptness date. ERM 103, p. 7. 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. ERM 103, p. 7.

The Department uses the DHS-3503, SER Verification Checklist, to request verification and to notify the client of the due date for returning the verifications. ERM 103, p. 7.

The client must make a reasonable effort to obtain required verifications. ERM 103, p. 7. The specialist must assist if the applicant needs and requests help. ERM 103, p. 7. If neither the client nor the specialist can obtain the verifications despite a reasonable

effort, use the best available information. ERM 103, p. 7. If no evidence is available, the specialist must use their best judgment. ERM 103, p. 7.

Based on the foregoing information and evidence, the Department improperly denied Petitioner's SER application dated March 19, 2018, for relocation services (rent to prevent eviction).

First, the undersigned finds Petitioner's testimony credible that she submitted the requested verifications to her caseworker via e-mail on March 21, 2018, which was before the due date. Further, Petitioner's caseworker was not present at the hearing to rebut Petitioner's claim.

Second, the Department failed to provide Petitioner the eight calendar days she is allotted to submit the verifications that are requested. ERM 103, p. 7. On March 20, 2018, the Department sent Petitioner the SER Verification Checklist, which stated the proofs were due back by March 27, 2018. [Exhibit A, pp. 7-8.] The SER Verification Checklist is improper because it only gave Petitioner seven days to submit the verifications, when policy states she should have been given eight days.

Accordingly, the undersigned finds that the Department improperly denied Petitioner's SER application for relocation services. The Department is ordered to re-register and reprocess Petitioner's SER application for relocation services (rent to prevent eviction), in accordance with Department policy and as the circumstances existed at the time of application.

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 the Department did not act in accordance with Department policy when it denied Petitioner's SER application dated March 19, 2018, for relocation services (rent to prevent eviction).


Accordingly, the Department's SER 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. Initiate re-registration and reprocessing of Petitioner's SER application dated March 19, 2018, for relocation services (rent to prevent eviction), in accordance with Department policy and as the circumstances existed at the time of application;

2. Issue supplements to Petitioner for any SER benefits she was eligible to receive but did not from date of application; and
3. Notify Petitioner of its decision.

EF/nr



Eric J. Feldman
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) 763-0155; 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

Tara Roland 82-17
8655 Greenfield
Detroit, MI
48228

Wayne 17 County DHHS- via electronic
mail

BSC4- via electronic mail

T. Bair- via electronic mail

E. Holzhausen- via electronic mail

Petitioner

