



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED], MI [REDACTED]

Date Mailed: July 27, 2018
MAHS Docket No.: 18-004451
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, an in-person hearing was held on January 23, 2018, from Lansing, Michigan. Petitioner represented himself. The Department was represented by Adam Slate, Hearing Facilitator.

ISSUE

Did the Department of Health and Human Services (Department) properly determine Petitioner's eligibility 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 [REDACTED], 2017, the Department received Petitioner's application for State Emergency Relief (SER) benefits requesting \$1,200 of assistance to prevent eviction. MAHS Docket No 17-015261.
2. On August 17, 2017, the Department notified Petitioner that his [REDACTED], 2017, State Emergency Relief (SER) application had been denied. Exhibit A, p 7.
3. On November 15, 2017, the Department received Petitioner's request for a hearing protesting the August 17, 2017, denial of State Emergency Relief (SER) benefits. MAHS Docket No 17-015261.

4. On January 25, 2018, Michigan Administrative Hearing System (MAHS) issued a Hearing Decision order reversing the denial of the [REDACTED], 2017, State Emergency Relief (SER) application. MAHS Docket No 17-015261.
5. On January 26, 2018, the Department sent Petitioner a Verification Checklist (DHS-3503) requesting verification of the amount for SER relocation, and the required payments for shelter by February 2, 2018. Exhibit A, pp 9-10.
6. On February 1, 2018, the Department received copies of court documents and a statement from Petitioner's landlord. Exhibit A, p 5.
7. On February 6, 2018, the Department approved Petitioner for State Emergency Relief (SER) benefits with a \$1,413 co-payment. Exhibit A, pp 12-14.
8. On February 6, 2018, the Department processed an Authorization/Invoice for a \$130 payment of State Emergency Relief (SER) benefits to Petitioner's landlord. Exhibit A, p 15.
9. On April 25, 2018, the Department received Petitioner's request for a hearing protesting the Department's determination of his eligibility for State Emergency Relief (SER) benefits.

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.

On [REDACTED] 2017, the Department received Petitioner's application for SER benefits requesting assistance to prevent eviction. Due to Department error, this application was erroneously denied on August 17, 2017. Petitioner requested a hearing disputing the denial of his application and on January 25, 2018, MAHS reversed the denial of the SER application.

The Department re-registered the SER application and on February 6, 2018, the Department approved Petitioner's [REDACTED], 2017, application with a \$1,413 co-payment.

It is not disputed that Petitioner's co-payment as of February 6, 2018, is higher than it would have been on August 17, 2017, because the amount requested on [REDACTED], 2017, was only \$1,200. Petitioner argues that the Department failed to

re-register his [REDACTED], 2017, SER application in accordance with policy because the Department failed to consider his circumstances as they existed on [REDACTED], 2017.

As a condition of SER eligibility, all the adults in the SER group must agree to take actions within their ability to make potential resources available. Department of Health and Human Services Emergency Relief Manual (ERM) 203 (June 1, 2013), p 1.

SER applicants must:

- Complete the application process.
- Meet financial and non-financial requirements.
- Have an emergency which threatens health or safety and can be resolved through issuance of SER.
- Take action within their ability to help themselves. For example, obtain potential resources and/or apply for assistance.
- Not have caused the emergency; see ERM 204, Client-Caused Emergencies.
- Cooperate in providing information about income, assets, living arrangements, and other persons living in the home.

The Department will deny SER services for applicants who fail to meet any of the above requirements. Department of Health and Human Services Emergency Relief Manual (ERM) 101 (March 1, 2013), p 1.

The hearing record supports a finding that on February 6, 2018, the Department determined Petitioner's eligibility for SER benefits based on his circumstances as they existed at the time of application. Determining Petitioner's eligibility based on the circumstances as they existed at the time of application does not require the Department to ignore information that was learned later. Therefore, it was not improper for the Department to determine Petitioner's eligibility for SER knowing in hindsight that the Department's erroneous denial of his initial application did not result in eviction from his home. While Petitioner was unable to completely resolve his emergency circumstances, he was able to prevent eviction from his home. Petitioner was required by Department policy to take actions within his ability to avoid eviction, and he complied with that requirement avoiding eviction.

Petitioner is not eligible for SER assistance based on the amount needed to avoid eviction on [REDACTED], 2017, because that amount of assistance would not resolve his current emergency. Petitioner was approved for SER benefits on February 6, 2018, based on the amount necessary to prevent eviction, and Petitioner did not dispute the determination of his co-payment during the hearing.

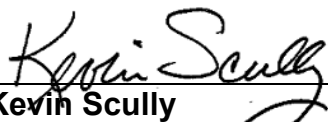
Petitioner argued that his landlord had not received the SER benefits he was approved for contingent on him making the required co-payment. The Department presented substantial evidence that an invoice necessary to transfer the Department's share of the SER benefits was processed by the Department. The record evidence establishes that the SER funds have been made available to Petitioner's landlord and no evidence was presented that Petitioner faces eviction due to the landlord not receiving the SER benefits.

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 approved his [REDACTED], 2017, State Emergency Relief (SER) application.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/hb



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) 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

Renee Olian
322 Stockbridge
Kalamazoo, MI 49001

Kalamazoo County, DHHS

BSC3 via electronic mail

T. Bair via electronic mail

E. Holzausen via electronic mail

Petitioner

[REDACTED]
[REDACTED]
[REDACTED], MI [REDACTED]