



RICK SNYDER  
GOVERNOR

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

SHELLY EDGERTON  
DIRECTOR



Date Mailed: October 1, 2018  
MAHS Docket No.: 18-008859  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Jeffrey Kemm

**HEARING DECISION**

Following Petitioner's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on September 27, 2018, from Lansing, Michigan. [REDACTED] [REDACTED] Petitioner, appeared and represented herself. Kya Cooper, Eligibility Specialist, appeared and represented the Department. Neither party had any additional witnesses.

One exhibit was admitted into evidence during the hearing. A 70-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

**ISSUE**

Did the Department properly deny Petitioner's request(s) 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. [REDACTED], 2018, Petitioner requested SER assistance for housing costs following an eviction. Petitioner asserted that she was not homeless or without a permanent place to stay. Petitioner requested \$875 for a security deposit plus \$875 for moving expenses.
2. On [REDACTED], 2018, Petitioner submitted a second request for SER assistance for housing costs following an eviction. Petitioner asserted that she was not homeless or without a permanent place to stay. Petitioner requested \$975 for relocation expenses.

3. On July 31, 2018, the Department issued a State Emergency Relief Decision Notice which notified Petitioner that her request for assistance of \$0 was denied because Petitioner or one of her group members failed to cooperate with child support.
4. On [REDACTED], 2018, Petitioner submitted a third request for SER assistance for housing costs following an eviction. Petitioner asserted that she was not homeless or without a permanent place to stay. Petitioner requested \$1,875 for relocation expenses.
5. On August 7, 2018, the Department issued a State Emergency Relief Decision Notice which notified Petitioner that her request for assistance of \$1,875 was denied because the Department determined that Petitioner's proposed shelter was not affordable.
6. On [REDACTED], 2018, Petitioner submitted a fourth request for SER assistance for housing costs following an eviction. Petitioner asserted that she was homeless or without a permanent place to stay. Petitioner requested \$1,575 for relocation expenses.
7. On August 9, 2018, the Department issued a State Emergency Relief Decision Notice which notified Petitioner that her request for assistance of \$1,575 was denied because the Department determined that Petitioner's copayment was equal to or greater than the amount required to resolve her emergency.
8. On [REDACTED], 2018, Petitioner submitted a fifth request for SER assistance for housing costs following an eviction. Petitioner asserted that she was homeless or without a permanent place to stay. Petitioner requested \$1,000 for relocation expenses.
9. On August 17, 2018, the Department issued an Application Notice to Petitioner which notified Petitioner that she failed to provide the Department with the information it needed to determine her eligibility for SER.
10. On [REDACTED], 2018, Petitioner submitted a sixth request for SER assistance for housing costs following an eviction. Petitioner asserted that she was not homeless or without a permanent place to stay. Petitioner requested \$500 for relocation expenses.
11. On August 23, 2018, the Department issued a Quick Note to Petitioner which instructed Petitioner to provide proof of her rental payment history for the past 6 months.
12. On August 24, 2018, the Department issued a State Emergency Relief Decision Notice which notified Petitioner that her request for assistance of \$3,000 was

denied because the Department determined that Petitioner did not have an emergency.

13. On August 29, 2018, Petitioner filed a hearing request to dispute the Department's denial of her request for SER assistance.

14. Petitioner is currently residing with family on a temporary basis.

15. Petitioner is in the process of securing housing. Petitioner anticipates she will move in to a new home on October 3, 2018, after she has the home inspected.

### **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.

Requests for SER become an application on the date the application is received by the Department. ERM 103 (January 1, 2018), p. 2. The application date is the first day of the 30-day eligibility period. ERM 103, p. 2. If the application is denied and the client reapplies, a new 30-day period will start with the new application date. ERM 103, p. 2.

The Department may only authorize SER for relocation services when a client is homeless, at risk of homelessness, or meets the requirement for a homeless assistance program (Family Re-Housing Program or Rural Homeless Permanent Supportive Housing Initiative). ERM 303 (October 1, 2017), p. 2. Homeless means the client is living in a place not intended for human habitation (such as a park or a car), living in a homeless shelter, or living in an institution for less than 90 days after having lived in a homeless shelter immediately before entering the institution. ERM 303, p. 2. At risk of homelessness means the client has received an eviction order or other order to vacate housing. ERM 303, p. 6-7. A group living with friends or relatives is not homeless, even if the arrangement is only temporary. ERM 303, p. 2-3.

When the Department issued its last denial, the Department acted in accordance with its policies and the applicable law because Petitioner did not meet the eligibility requirements for relocation expenses since she was not homeless, at risk of homelessness, or eligible for a homeless assistance program. Petitioner submitted her last application for SER on [REDACTED], 2018, and asserted that she was not homeless or without a permanent place to stay. Petitioner is currently residing with relatives

temporarily. Based on the Department's policy, Petitioner's living arrangement makes her ineligible for SER for relocation expenses. Thus, the Department properly denied Petitioner's request.

### **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 did act in accordance with its policies and the applicable law when it issued its August 24, 2018, denial.

IT IS ORDERED the Department's decision is AFFIRMED.

JK/nr



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Jeffrey Kemm  
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**

Dora Allen  
14061 Lappin  
Detroit, MI  
48205

Wayne 76 County DHHS- via electronic  
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BSC4- via electronic mail

T. Bair- via electronic mail

E. Holzhausen- via electronic mail

**Petitioner**

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