



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

SHELLY EDGERTON  
DIRECTOR

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

Date Mailed: October 22, 2018  
MAHS Docket No.: 18-009669  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Janice Spodarek

**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 hearing was held on October 18, 2018, from Lansing, Michigan. The Petitioner personally appeared and testified and was unrepresented. The Department of Health and Human Services (Department) was represented by Dionere Kraft, Hearings Facilitator and Tiara Dawson, ES Worker.

**ISSUE**

Did the Department properly deny Petitioner's June 15, 2018, State Emergency Relief (SER) application for relocation services?

**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], 2018, Petitioner applied for SER relocation services.
2. On June 20, 2018, Respondent denied Petitioner's application and Petitioner requested an administrative hearing. On August 29, 2018, ALJ Amanda Marler MAHS Docket No.: 18-007321 ordered Respondent to reinstate Petitioner's June 15, 2018, application, review/reprocess and issue new notice.

3. On September 5, 2018, Respondent denied Petitioner's June 15, 2018, SER application "...Denied due to the group living with friends and relatives." Exhibit 1.3.
4. On September 10, 2018, Petitioner filed a hearing request.

### **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.

In eligibility cases, and in welfare eligibility cases, the Petitioner has the burden of proof by a preponderance of evidence.

Applicable policies to the case here is SER or ERM 303. That policy states in part:

#### **ELIGIBILITY REQUIREMENTS**

Authorize relocation services only if one of the following circumstances exists and all other SER criteria are met.... [with exceptions not applicable herein]...

The SER group is homeless.

The definition of homelessness for SER means that there is no housing that the group can return to...ERM 303.

**Group Living with Friends or Relatives:** A group living with friends or relatives is not homeless...ERM 303, page 3.

Here, unrefuted evidence of record is that Petitioner is living with her mother and aunt. Petitioner has the burden of proof. Petitioner offered no contrary evidence, and/or no policy or law which would entitle her to prevail considering the unrefuted facts of record. As such, the policy found in ERM 303 controls, and under that policy, Respondent's denial is required to be upheld and it is consistent with state law and state policy.

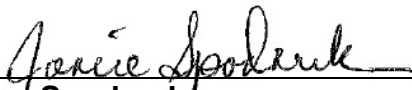
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in

accordance with Department policy when it denied Petitioner's June 15, 2018, SER application. Petitioner failed to meet her burden of proof to establish otherwise.

**DECISION AND ORDER**

Accordingly, the Department's decision is **AFFIRMED**.

JS/hb

  
\_\_\_\_\_  
**Janice Spodarek**  
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**

Demitra Owens  
12140 Joseph Campau  
Hamtramck, MI 48212

Wayne County (District 55), DHHS

BSC4 via electronic mail

T. Bair via electronic mail

E. Holzhausen via electronic mail

**Petitioner**

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