



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ORLENE HAWKS
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: July 26, 2019
MOAHR Docket No.: 19-005596
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: John Markey

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 27, 2019, from Detroit, Michigan. Petitioner appeared and represented himself. The Department of Health and Human Services (Department) was represented by Brad Reno, Eligibility Specialist. During the hearing, a 28-page packet of documents was offered and admitted into evidence as Exhibit A, pp. 1-28.

ISSUE

Did the Department properly deny Petitioner's application 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. In May 2019, Petitioner was homeless, occasionally staying at a homeless shelter, and receiving income totaling \$1,211 per month in RSDI.
2. Around that same time, Petitioner found a home that he wanted to rent that cost \$589 per month and required a security deposit of \$789. Exhibit A, pp.
3. On [REDACTED], 2019, Petitioner submitted to the Department an application for SER benefits to assist in relocation expenses. Petitioner requested \$589 for first month's rent and \$789 for a security deposit.

4. Along with the application, Petitioner submitted to the Department a verification from [REDACTED], a homeless shelter, that verified Petitioner's homeless status. Exhibit A, p. 10.
5. On May 6, 2019, the Department issued to [REDACTED] a Verification Checklist asking for verification that Petitioner was homeless. The Department witness conceded at the hearing that the documents turned in with the [REDACTED], 2019 application were sufficient verification of that fact and that the subsequent Verification Checklist should not have asked for it.
6. On May 14, 2019, the Department issued to Petitioner a Notice of Case Action informing Petitioner that his SER application was denied.
7. On May 16, 2019, Petitioner submitted to the Department another application for SER benefits to assist in relocation expenses. Exhibit A, pp. 5-10.
8. On May 17, 2019, the Department issued to Petitioner a State Emergency Relief Decision Notice informing Petitioner that his SER application was approved with respect to the \$789 security deposit, with a \$766 copayment by Petitioner and a \$23 payment from the Department. The Notice went on to deny Petitioner's application with respect to his request for assistance with his first month's rent. Exhibit A, pp. 24-25.

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 individuals and families to resolve or prevent homelessness by providing money for rent, security deposits, and moving expenses. ERM 303 (October 2018), p. 1. The Department is prohibited from issuing an SER benefit unless it resolves the emergency. ERM 303, p. 1. Housing affordability is a condition of eligibility for SER and applies to Relocation Services and Home Ownership Services and Home Repairs. ERM 207 (October 2015), p. 1. Affordable housing is defined as a group having a total housing obligation which does not exceed 75% of the group's total net countable income. ERM 207, p. 1; ERG Glossary (February 2017), p. 1.

In this case, Petitioner was homeless when he filed two applications for SER assistance with paying first month's rent and a security deposit. The Department witness acknowledged at the hearing that Petitioner's application should have been approved

with a total amount of assistance by the Department of \$612. As of the date of the hearing, Petitioner had paid some, but not all, of the balance towards his security deposit and first month's rent. The amount that Petitioner paid left less than \$612 outstanding. Thus, Petitioner is eligible and entitled to have the Department pay the rest of the outstanding balance, which as of the date of the hearing was either \$410 or \$387.

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 processed Petitioner's SER applications and determined his eligibility for SER benefits.

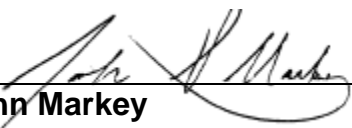
DECISION AND ORDER

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:

1. Determine the outstanding balance on Petitioner's obligations concerning the \$789 security deposit and \$589 first month's rent;
2. Promptly issue to the appropriate payee the full balance referenced above, as Petitioner was entitled to \$612, and the balance is less than that; and
3. Notify Petitioner in writing of its actions.

JM/cg



John Markey
Administrative Law Judge
for Robert Gordon, 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 Office of Administrative Hearings and Rules (MOAHR).

A party may request a rehearing or reconsideration of this Order if the request is received by MOAHR 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. MOAHR will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Office of Administrative Hearings and Rules
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

Via Email:

MDHHS-Genesee-Union St.-Hearings
T. Bair
E. Holzhausen
BSC2- Hearing Decisions
MOAHR

Petitioner – Via First-Class Mail:

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