



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]
[REDACTED], OH [REDACTED]

Date Mailed: August 21, 2020
MOAHR Docket No.: 20-004122
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 August 11, 2020, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Melissa Shitzel, Eligibility Specialist and.

ISSUE

1. Did the Department properly deny Petitioner's application for State Emergency Relief?
2. Did the Department properly consider Petitioner for the Food Assistance Program (FAP)?

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], Petitioner only applied for SER for relocation assistance not FAP. Department Exhibit 1, pgs. 6-10.
2. On April 24, 2020, the Department Caseworker sent Petitioner a Verification Checklist, DHS-3503, that was due May 1, 2020, for additional written information to determine SER eligibility. Department Exhibit 1, pgs. 11-12.

3. On May 1, 2020, the Department Caseworker sent Petitioner a State Emergency Relief Decision Notice, DHS-1419, that denied Petitioner SER benefits because she did not have an emergency for relocation. Department Exhibit 1, pgs. 13-15.
4. On [REDACTED] [REDACTED] 2020, the Department received a hearing request from Petitioner, contesting the Department's negative

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 Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 273. The Department (formerly known as the Department of Human Services) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

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 this case, On [REDACTED], Petitioner only applied for SER for relocation assistance not FAP. Department Exhibit 1, pgs. 6-10. On April 24, 2020, the Department Caseworker sent Petitioner a Verification Checklist, DHS-3503, that was due May 1, 2020 for additional written information to determine SER eligibility. Department Exhibit 1, pgs. 11-12. On May 1, 2020, the Department Caseworker sent Petitioner a State Emergency Relief Decision Notice, DHS-1419, that denied Petitioner SER benefits because she did not have an emergency for relocation. Department Exhibit 1, pgs. 13-15. On [REDACTED] [REDACTED] 2020, the Department received a hearing request from Petitioner, contesting the Department's negative action. ERM 101, 103, and 202.

During the hearing, the Department Caseworker stated that Petitioner did not apply for FAP benefits when she filed the application on [REDACTED]. She only applied for SER relocation costs. A review of the [REDACTED] application showed only the SER box was checked. Department Exhibit 1, pgs. 6-7. Petitioner does not have an application submitted for FAP on [REDACTED]. Therefore, FAP benefit eligibility cannot be considered without a FAP application submitted to the Department. A FAP application was mailed to Petitioner on June 12, 2020, by the Department Caseworker.

Petitioner did apply for SER assistance with relocations costs from Ohio. She was not eligible because she was residing in Ohio not Michigan. In addition, she failed to provide any written verification. Petitioner was renting an apartment and was not the homeowner, so she wasn't eligible for home repairs. Another agency paid her security deposit so there was no need there. As a result, the Department properly denied Petitioner's SER 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 that the Department acted in accordance with Department policy when it denied Petitioner's application for SER because there was no emergency and Petitioner never submitted a FAP application.

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

CF/hb



Carmen G. Fahie
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

DHHS

Grand Traverse County via electronic mail

BSC1 via electronic mail

T. Bair via electronic mail

E. Holzhausen via electronic mail

Petitioner

[REDACTED], OH [REDACTED]