



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: October 20, 2017
MAHS Docket No.: 17-011748
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Ellen McLemore

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 October 16, 2017, from Detroit, Michigan. Petitioner was present and represented herself. Petitioner was also present with her sister, [REDACTED]. The Department of Health and Human Services (Department) was represented by Charletta Toth, Assistance Payments Supervisor, and Crystal Ward, Eligibility Specialist.

ISSUE

Did the Department properly deny Petitioner application for State Emergency Relief (SER)?

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 July 24, 2017, Petitioner was evicted from her residence.
2. After her eviction, Petitioner began living with her sister.
3. On [REDACTED], 2017, Petitioner submitted an application for SER benefits for relocation services and non-energy utility reconnection services (Exhibit B).
4. On August 25, 2017, the Department sent Petitioner a State Emergency Relief Decision Notice informing her that her application for SER benefits was denied (Exhibit A).

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 this case, Petitioner submitted an application for SER, in part, for relocation services. Petitioner had been evicted from her residence on July 24, 2017, for failure to pay rent. Petitioner began residing with her sister as a result of the eviction. Although the living situation was temporary, there was no threat of eviction from Petitioner's sister.

SER assists individuals and families to resolve or prevent homelessness by providing money for rent, security deposits, and moving expenses. ERM 303 (October 2015), p. 1. The Department authorizes SER benefits for relocation services if (i) the group is homeless; (ii) at risk of homelessness; or (iii) the group meets the eligibility requirements for certain homeless assistance programs. ERM 303, pp. 1-2. A group living with friends or relatives is not homeless, even if the arrangement is temporary unless (i) the group is living temporarily with other persons following a fire or natural disaster that occurred not more than 60 days before the date the group files an application for SER; (ii) the group is living with other persons to escape a domestic violence situation; or (iii) the group meets eligibility criteria for certain homeless assistance programs. ERM 303, pp. 2-3.

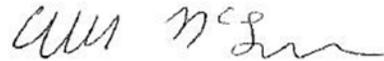
Petitioner was living with her sister and was not at risk for homelessness. Therefore, Petitioner does not meet the eligibility requirements for SER benefits for relocation services.

Petitioner also submitted an SER application for non-energy utility reconnection services. SER benefits can be utilized to restore or prevent shut off of a utility service specified in this item when service is necessary to prevent serious harm to SER group members. ERM 302 (October 2013), p. 1. Certain utility services are covered including fees for connection, reconnection, or hookup of utility services. ERM 302, p. 1. The bill does not have to be in the client's name but it must be connected to the group's current address. ERM 302, p. 1. The Department properly denied Petitioner's application for SER non-energy utility reconnection services, as Petitioner does not have an address for the Department to assist with utility costs.

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 benefits.

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



EM/jaf

Ellen McLemore
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) 335-6088; 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

MDHHS-Wayne-76-Hearings

Petitioner



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