



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: November 30, 2017
MAHS Docket No.: 17-012439
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Zainab A. Baydoun

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 November 2, 2017, from Detroit, Michigan. The Petitioner appeared for the hearing and represented herself. The Department of Health and Human Services (Department) was represented by Brenda Drewnicki, Hearing Facilitator.

ISSUE

Did the Department properly close Petitioner's Child Development and Care (CDC) case?

Did the Department properly deny Petitioner's application for State Emergency Relief (SER) assistance with rent to prevent eviction?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Petitioner was an ongoing recipient of CDC benefits.
2. Petitioner's CDC case was closed on the basis that her income exceeded the limit for the program.
3. On [REDACTED], 2017 Petitioner submitted an application for SER assistance with rent to prevent eviction in the amount of \$1,330. (Exhibit B)

4. On August 29, 2017 the Department sent Petitioner a SER Decision Notice advising her that her application was denied on the basis that the shortfall amount (unmet required payments) is equal to or greater than the amount needed to resolve the emergency. (Exhibit A)
5. On September 15, 2017 Petitioner requested a hearing disputing the closure of her CDC case and the denial of her SER application.
6. Petitioner verbally withdrew her hearing request with respect to the CDC case, as the issue had been resolved.

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).

CDC

The Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, 42 USC 601-619, 670-679c, and 1397-1397m-5; the Child Care and Development Block Grant of 1990, PL 101-508, 42 USC 9858 to 9858q; and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193. The program is implemented by 45 CFR 98.1-99.33. The Department administers the program pursuant to MCL 400.10 and provides services to adults and children pursuant to MCL 400.14(1) and Mich Admin Code, R 400.5001-.5020.

The hearing was requested to dispute the Department's action taken with respect to the closure of Petitioner's CDC case. Shortly after commencement of the hearing, Petitioner testified that she now understood and was satisfied with the actions taken by the Department and did not wish to proceed with the hearing, as the Department had corrected the issue by reinstating her CDC case with no lapse in her coverage. Petitioner confirmed that no promises were made in exchange for her withdrawal. The Request for Hearing was withdrawn. The Department agreed to the dismissal of the hearing request. Pursuant to the withdrawal of the hearing request filed in this matter, the Request for Hearing regarding CDC is, hereby, **DISMISSED**.

SER

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 requested a hearing disputing the Department's denial of her [REDACTED], 2017 application for SER assistance with rent to prevent eviction. 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. An individual will be eligible for SER with rent to prevent eviction if a court summons, order, or judgment was issued which will result in the SER group becoming homeless. A demand for possession non-payment of rent or a notice to quit is not sufficient. ERM 303, pp. 3, 5-6. ERM 303, p. 5. The Department will authorize relocation services only if one of the following circumstances exist and all other SER criteria are met: the SER group is homeless, meaning that there is no housing that the group can return to; that the SER group is at risk of homelessness; or that the SER group meets the eligibility requirements for a homeless assistance program identified in ERM 303. ERM 303, p. 2.

The Department is to verify the group's required shelter payments for the six months prior to the application. If required payment have not been made, the Department will determine whether the SER group had good cause for non-payment of the shelter obligation during the last six months. See ERM 204 (February 2017); ERM 303, p. 4. If a client failed without good cause to make required payments, a shortfall amount is determined. The client must pay the shortfall amount towards the cost of resolving the emergency. ERM 208 (February 2017), p. 4. Thus, if the shortfall exceeds the need (or the amount requested), the application will be denied.

At the hearing, the Department testified that Petitioner's SER application had been denied because the shortfall amount (unmet required payments) was equal to or greater than the amount needed to resolve the emergency. The Department conceded however that the denial was improper, as it had miscalculated the shortfall amount and relied on incorrect income information. Although there was some testimony that Petitioner may have since resolved her emergency, the Department acknowledged that the [REDACTED] 2017 application should be reprocessed using correct income information and Petitioner's eligibility for SER assistance redetermined.

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 denied Petitioner's SER application.

DECISION AND ORDER

Accordingly, the hearing request with respect to CDC is DISMISSED and the Department's SER 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. Register and process Petitioner's [REDACTED], 2017 SER application, with rent to prevent eviction, to determine her eligibility from the application date, ongoing;
2. Issue supplements to Petitioner and/or her provider for any SER benefits Petitioner was eligible to receive but did not; and
3. Notify Petitioner in writing of its decisions



ZB/tlf

Zainab A. Baydoun
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

Via Email:

MDHHS-Macomb-12-Hearings
BSC4 Hearing Decisions
E. Holzhausen
T. Bair
MAHS

Petitioner – Via First-Class Mail:

