



RICK SNYDER  
GOVERNOR

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

SHELLY EDGERTON  
DIRECTOR

[REDACTED]

Date Mailed: January 25, 2018  
MAHS Docket No.: 17-015261  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Eric J. Feldman

**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, an in-person hearing was held on January 23, 2018, from Kalamazoo, Michigan. Petitioner was present for the hearing and represented himself. The Department of Health and Human Services (Department) was represented by Adam Slate, Hearings Facilitator.

**ISSUE**

Did the Department properly deny Petitioner's State Emergency Relief (SER) application for relocation services (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. On [REDACTED], 2017, Petitioner applied for SER assistance for relocation services (rent to prevent eviction). [Exhibit A, p. 2.]
2. On August 9, 2017, the Department sent Petitioner an SER Verification Checklist, which requested verification of the following: (i) required payments for shelter; (ii) savings account/Christmas club account; (iii) wages; (iv) need for SER relocation; (v) home rent; and (vi) amount for SER relocation. The verifications were due back by August 16, 2017. [Exhibit A, pp. 5-6.]
3. On August 16, 2017 and August 17, 2017, Petitioner submitted the requested verifications. [Exhibit A, p. 3 and Exhibit 2, p. 1.]

4. On August 17, 2017, the Department sent Petitioner an SER Decision Notice notifying him that his SER application for rent to prevent eviction in the amount of \$1,200 was denied because he failed to comply with the verification requirements. [Exhibit A, pp. 7-9.]
5. On November 15, 2017, Petitioner filed a hearing request, protesting the Department's action. [Exhibit 1, pp. 1-25.]

### **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.

State Emergency Relief (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 accepts the decision of the SER group regarding use of the relocation funds authorized. ERM 303, p. 1. The issuance amount must resolve the group's shelter emergency. ERM 303, p. 1. Authorize any combination of the following services: first month's rent; rent arrearage; security deposit; and moving expenses. ERM 303, p. 1.

On August 8, 2017, Petitioner applied for SER assistance for relocation services (rent to prevent eviction). [Exhibit A, p. 2.] On August 9, 2017, the Department sent Petitioner an SER Verification Checklist, which requested several verifications and were due back by August 16, 2017. [Exhibit A, pp. 5-6.] The Department initially indicated that no verification was received by the due date; therefore, it denied Petitioner's SER application. [Exhibit A, pp. 7-9.] However, the Department testified that it subsequently discovered that Petitioner did submit several documents on August 16, 2017, and August 17, 2017, which did not show in the Department's system (Electronic Case File (ECF)) when the caseworker initially denied the application. [Exhibit A, p. 2.] Nevertheless, the caseworker wrote in the Hearing Summary that several of the documents submitted were still incomplete or invalid. [Exhibit A, p. 2.] Specifically, the Department testified that Petitioner submitted a Tenant Ledger to show proof of the amount for SER relocation (need amount); however, the Department indicated that the Tenant Ledger failed to be signed by the shelter provider (landlord). [Exhibit A, p. 6 and Exhibit 2, p. 1.] Thus, despite Petitioner submitting the verifications, the Department argued that the verification of need amount submitted was incomplete or invalid and the denial should still be upheld.

In response, Petitioner argued that he submitted the verifications timely. He argued he submitted a court order/judgment/summons documents as well, which should have also sufficed the SER requirements for the need amount. [Exhibit 1, pp. 4-7.] He testified that he still resides at the residence that he was facing eviction because he was able to obtain funds from other individuals.

Clients must be informed of all verifications that are required and where to return verifications. ERM 103 (February 2017), p. 6. The due date is eight calendar days beginning with the date of application. ERM 103, p. 6. If the application is not processed on the application date, the deadline to return verification is eight calendar days from the date verification is requested. ERM 103, p. 6. This does not change the standard of promptness date. ERM 103, p. 6.

The Department uses the DHS-3503, SER Verification Checklist, to request verification and to notify the client of the due date for returning the verifications. ERM 103, p. 6.

The client must make a reasonable effort to obtain required verifications. ERM 103, p. 6. The specialist must assist if the applicant needs and requests help. ERM 103, p. 6. If neither the client nor the specialist can obtain the verifications despite a reasonable effort, use the best available information. ERM 103, p. 6. If no evidence is available, the specialist must use their best judgment. ERM 103, p. 6.

ERM 303, Relocation Services, also provides a list of acceptable verifications for the need amount, which are as follows:

- A DHS-3688, Shelter Verification form with a revision date of October 2009 or later must be completed and signed by the shelter provider.
- Written statement from the shelter provider, signed and dated.
- Order of judgment.
- Obtain a statement from the rental or moving company to verify the cost of moving the household belongings.

ERM 303, p. 5.

Based on the foregoing information and evidence, the Department improperly denied Petitioner's SER application dated August 8, 2017 for relocation services (rent to prevent eviction).

First, the evidence established that Petitioner submitted a majority of the requested verifications on August 16, 2017, which was by the due date. [Exhibit A, p. 3.] As such, the undersigned finds that Petitioner made a reasonable effort to obtain the required verifications by the due date of August 16, 2017. See ERM 103, p. 6.

Second, the Department argued that Petitioner submitted a Tenant Ledger to show proof of the need amount; however, the verification was incomplete or invalid because it was not signed by the shelter provider (landlord). [Exhibit A, p. 6 and Exhibit 2, p. 1.]

The undersigned understands the Department's argument that the Tenant Ledger was not signed by a landlord; but, Petitioner submitted other documents that sufficed the need amount verification. Pursuant to the above policy, an acceptable form of verification for the need amount includes an order of judgment. See ERM 303, p. 6. On the due date, Petitioner submitted court documents to show proof of the need amount. [Exhibit A, p. 3 and Exhibit 1, pp. 4-7.] As such, despite the Department's argument that the Petitioner's Tenant Ledger was an invalid form of verification, Petitioner still submitted other documents, i.e, the court documents, that was an acceptable form of verification for the need amount.

Third, it was discovered during the hearing that Petitioner still resides at the residence that he was facing eviction because he was able to obtain funds from other individuals. It appears that the emergency might be resolved. However, Petitioner's SER denial was based on the failure to comply with the verification requirements. [Exhibit A, pp. 7-8.] The undersigned finds that the SER denial reason was improper because, as stated above, Petitioner made a reasonable effort to obtain the required verifications by the due date. See ERM 103, p. 6.

Accordingly, the Department is ordered to re-register and reprocess Petitioner's SER application for relocation services (rent to prevent eviction), in accordance with Department policy and as the circumstances existed at the time of 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 did not act in accordance with Department policy when it denied Petitioner's SER application dated August 8, 2017 for relocation services (rent to prevent eviction).


Accordingly, 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. Initiate re-registration and reprocessing of Petitioner's SER application dated [REDACTED], 2017 for relocation services (rent to prevent eviction), in accordance with Department policy and as the circumstances existed at the time of application;

2. Issue supplements to Petitioner for any SER benefits he was eligible to receive but did not from date of application; and
3. Notify Petitioner of its decision.

EF/nr



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Eric J. Feldman  
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**

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**Petitioner**

