



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 19, 2019  
MOAHR Docket No.: 19-005982  
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 July 17, 2019, from Detroit, Michigan. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Morgan Hafler, Hearings Facilitator, and Kendra Coleman, Eligibility Specialist. During the hearing, a nine-page packet of documents was offered and admitted into evidence as Exhibit A, pp. 1-9.

### **ISSUE**

Did the Department properly deny Petitioner's [REDACTED] 2019 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 [REDACTED], 2019, Petitioner submitted to the Department an application for SER benefits to help with the cost of a home repair. Along with the application, Petitioner submitted an estimate from a local contractor indicating that it would cost \$3,400 to repair a water line problem that was causing substantial leakage in Petitioner's home. Exhibit A, pp. 3-4.
2. The following day, the Department issued to Petitioner a Verification Checklist that required Petitioner to provide a statement from a licensed provider indicating that

the repair would render the home livable. The required proofs were due by May 23, 2019. Exhibit A, p. 5.

3. Petitioner did not return any documentation or otherwise communicate with the Department by May 23, 2019.
4. On May 24, 2019, the Department issued to Petitioner a State Emergency Relief Decision Notice informing Petitioner that her application for SER benefits was denied for failing to provide verifications. Exhibit A, pp. 7-8.
5. On [REDACTED], 2019, Petitioner submitted to the Department a request for hearing objecting to the Department's denial of Petitioner's SER application.

### **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.

Petitioner applied for SER benefits to help Petitioner pay for necessary repairs to her home after her home began severely flooding due to a plumbing issue. Along with her application, Petitioner submitted an estimate from a local contractor indicating the work that needed to be done. Notably, the estimate did not include any kind of statement that the work that was to be done would return the home to livability or otherwise correct the totality of the water problem Petitioner was experiencing. The day after Petitioner submitted the application, the Department sent her a Verification Checklist requesting verification from a licensed provider that the repair would return the home to livability. The verifications were due by May 23, 2019. Petitioner did not return anything to the Department by the deadline, so the Department denied the application via a May 24, 2019 State Emergency Relief Decision Notice.

SER assists clients with emergency situations related to housing and other essential needs. ERM 101 (March 2013), p. 1. This includes assistance with home repairs to correct unsafe conditions and restore essential services. ERM 304 (October 2018), p. 1. SER does not, however, pay for improvements or nonessential repairs. ERM 304, p. 3. Authorization for payment is only made if the repair is essential to remove a direct threat to health or safety and must restore the home to a safe, livable condition. ERM 304, p. 3.

In order to be approved, an applicant must verify that he or she is eligible, which includes the verification that an emergency exists. ERM 103 (March 2019), p. 1; ERM 304, p. 3. Applicants must be informed of all verifications that are required and where to return verifications. ERM 103, p. 6. The due date for verification is eight calendar days from the date the verification is requested. ERM 103, p. 6. The applicant must make a reasonable effort to obtain required verifications. ERM 103, p. 6. The Department must deny an application if the applicant does not take action within their ability, including the procurement and providing of verifications. ERM 102 (October 2018), p. 1.

In this case, Petitioner's application and supporting materials did not provide any indication that the proposed repair would return the home to a safe, livable condition. Therefore, the Department requested verifications on May 16, 2019 with a due date of May 23, 2019. Petitioner did not provide anything to the Department or otherwise communicate with the Department during the time between the issuance of the Verification Checklist and the due date. Given that Petitioner did not take action that was within her control during the time period given to do so, the Department had no choice but to deny her application per Department policy, which it did on May 24, 2019.

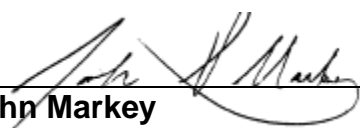
If Petitioner is still suffering from the same alleged emergency, she is free to file another application and have her eligibility assessed at that point. However, the same requirements still apply regarding verification of the need and that the proposed repair will return the home to a safe and livable condition, amongst other eligibility requirements.

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 [REDACTED] 2019 application for SER benefits.

### **DECISION AND ORDER**

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

JM/cg

  
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**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-Wayne-55-Hearings  
T. Bair  
E. Holzhausen  
BSC4- Hearing Decisions  
MOAHR

**Petitioner – Via First-Class Mail:**

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