



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

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Date Mailed: August 19, 2019
MOAHR Docket No.: 19-006501
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 25, 2019, from ██████████ Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Ryan Clemons, Family Independence Manager.

ISSUE

Did the Department properly process the State Emergency Relief (SER) payment to the vendor?

FINDINGS OF FACT

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

1. The Petitioner applied for SER assistance with her rent to prevent eviction on April 10, 2019. The Department approved the SER application pending receipt of co-payment by Petitioner, which was received. Exhibit A.
2. The Department issued a check in the amount of \$740 to the wrong vendor on April 18, 2019, which was returned to the Department.
3. The Department issued a new check to the correct vendor on May 15, 2019, with a replacement check. The Check was payable to ██████████ in ██████████ Michigan, and was dated June 12, 2019. The check was received, and funds were paid; and thus, the landlord was paid as required. The Petitioner resides in ██████████

██████████ in ██████████ Michigan, and the parent company of ██████████ ██████████ registered as a vendor with the Department as ██████████ in ██████████ Michigan. Exhibit F.

4. The Petitioner requested a timely hearing on June 12, 2019, protesting the Department's failure to make the SER payment.

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, the Department approved Petitioner's SER application for rent assistance to prevent eviction. After the Department received the required co-payment from the Petitioner, the Department issued the rent payment to the wrong vendor. The Department issued a replacement check to the correct vendor landlord on June 21, 2019, and sent the check to ██████████, in ██████████ Michigan. The evidence presented confirmed that the Department corrected its original error when it sent the check to the wrong vendor. At the hearing, the issue was not with the Department making the payment, but with the Vendor indicating not receiving payment. As stated at the hearing, the Department had done everything it was required to do; and thus, the matter must be resolved by the Petitioner and her landlord.

All SER service providers must be enrolled in Bridges before payment can be issued. Energy providers must be enrolled by central office; however, the local office should provide a DHS-355, Energy Supplier Participation Agreement, to providers requesting enrollment.

Providers must register in the SIGMA Vendor Self Service (VSS) in order to receive a SER payment. Please refer providers to the VSS system, <http://www.michigan.gov/VSSlogin>, prior to enrollment. ERM 401 (March 2019), p. 2.

The Petitioner was given copies of the payment information and warrant number of the check issued for the rent and to the provider who was registered as ██████████. The Petitioner was required to provide in her application the name of the landlord or other person at the rental company, and the Department made payment on that basis and testified that the payment was made pursuant to the vendor registration and


directed the payment as required. ERM 303, (October 2018), p. 5. Therefore, based upon the facts and testimony presented and exhibits documenting payment at the hearing, there was no further action that was required by the Department as Department policy was fully complied with. There was no issue remaining for the undersigned to decide.

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 made payment to Petitioner's landlord pursuant to the vendor's registration filed with the Department in accordance with Department policy.

DECISION AND ORDER

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

LMF/jaf



Lynn M. Ferris

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 Electronic Mail
DHHS

Sarina Baber
MDHHS-Washtenaw-Hearings

BSC4
T Bair
E Holzhausen

Via First Class Mail
Petitioner

[REDACTED]
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[REDACTED] MI [REDACTED]