GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS DIRECTOR



Date Mailed: March 3, 2020 MOAHR Docket No.: 20-000404

Agency No.:
Petitioner:

**ADMINISTRATIVE LAW JUDGE: Amanda M. T. Marler** 

# **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 March 2, 2020 from Detroit, Michigan. The Petitioner was self-represented. The Department of Health and Human Services (Department) was represented by Kelly Teed, Hearings Facilitator.

#### **ISSUE**

Did the Department properly deny Petitioner's 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 exercise 2019, Petitioner applied for SER assistance to prevent rental eviction.
- 2. On 2019, an interview was completed with Petitioner during which he disclosed that he has a second house in Michigan.
- 3. On the same day, the Department issued an Application Notice to Petitioner informing him that his Application had been denied for SER because he had a second home in where his daughter and wife resided; therefore, he did not have an emergency which threatened his health or safety.

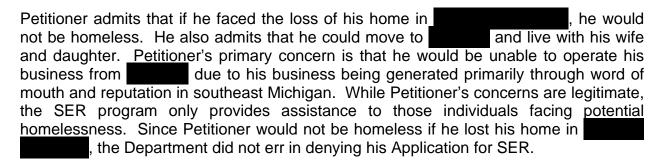
4. On January 9, 2020, the Department received Petitioner's Request for Hearing disputing the Department's denial of his SER Application.

## **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.

In this case, Petitioner disputes the Department's denial of his SER Application due to Petitioner's lack of an emergency situation. SER is a program which assists individuals and families in resolving and preventing homelessness by providing money for rent, security deposits, and moving expenses. ERM 303 (November 2019), p. 1. The Department may only authorize relocation services when one of the following criteria are met: the SER group is homeless, the SER group is at risk of homelessness, or the group meets eligibility requirements for the Family Re-Housing Program effective October 1, 2015 or the Rural Homeless Permanent Supportive Housing Initiative. *Id*.



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 SER Application.

## **DECISION AND ORDER**

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

AMTM/jaf

Amanda M. T. Marler Administrative Law Judge

for Robert Gordon, Director

Department of Health and Human Services

Marler

**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

**DHHS** Vivian Worden

MDHHS-Macomb-12-Hearings

BSC4 T Bair

E Holzhausen

**Petitioner** 

