



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]

Date Mailed: March 3, 2020
MOAHR Docket No.: 20-000404
Agency No.: [REDACTED]
Petitioner: [REDACTED]

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 [REDACTED] 2019, Petitioner applied for SER assistance to prevent rental eviction.
2. On [REDACTED] 2019, an interview was completed with Petitioner during which he disclosed that he has a second house in [REDACTED], 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 [REDACTED] 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.*

Petitioner admits that if he faced the loss of his home in [REDACTED], he would not be homeless. He also admits that he could move to [REDACTED] and live with his wife and daughter. Petitioner's primary concern is that he would be unable to operate his business from [REDACTED] due to his business being generated primarily through word of mouth and reputation in southeast Michigan. While Petitioner's concerns are legitimate, the SER program only provides assistance to those individuals facing potential homelessness. Since Petitioner would not be homeless if he lost his home in [REDACTED], the Department did not err in denying his Application for SER.

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

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

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Petitioner

