



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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██████████, MI ██████████

Date Mailed: June 30, 2020
MOAHR Docket No.: 20-003440
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, telephone hearing was held on June 24, 2020, from Lansing, Michigan. Petitioner represented herself. The Department was represented by Holly Chiddister and Tom Ayers.

ISSUE

Did the Department of Health and Human Services (Department) properly deny Petitioner's application for State Emergency Relief (SER) assistance?

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 ██████████ 2020, the Department received Petitioner's State Emergency Relief (SER) application requesting assistance with an eviction order. Exhibit A, pp 8-20.
2. Petitioner reported on her application form that she was employed. Exhibit A, p 13.
3. Department records show that on March 10, 2020, Petitioner reported to the Department by telephone that her husband is not employed. Exhibit A, p 3.
4. Department records show that on March 11, 2020, Petitioner reported to the Department by telephone that her employment ended March 6, 2020. Exhibit A, p 3.

5. On March 20, 2020, the Department received Petitioner's request for a hearing protesting the denial of her application for State Emergency Relief (SER) assistance. Exhibit A, p 31.

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.

The Department will deny SER assistance when the household does not have sufficient income to meet their obligation to pay housing expenses. Department of Health and Human Services Emergency Relief Manual (ERM) 207 (October 1, 2015), p 1.

On [REDACTED] 2020, the Department received Petitioner's SER application and provided verification that she was facing eviction from her home. Petitioner had reported on her application form that she was employed.

On March 10, 2020, Petitioner reported to the Department that her employment had ended, but that her husband was seeking employment. On March 11, 2020, the Department verified Petitioner's loss of employment through a collateral contact.

Petitioner testified that she is not receiving unemployment compensation and that her husband started employment. Petitioner did not dispute that her employment had ended.


However, the hearing record supports a finding that the Department properly denied Petitioner's application for SER assistance because her housing was not affordable at that time. As Petitioner's circumstances change, her eligibility for SER assistance may change as well, and she is entitled to file another application.

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 State Emergency Relief (SER) assistance based on her circumstances at that time.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/nr



Kevin Scully
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

