



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: October 13, 2020  
MOAHR Docket No.: 20-005643  
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, a telephone hearing was held on October 6, 2020. Petitioner represented himself. The Department was represented by Brian Roedema.

**ISSUE**

Did the Department of Health and Human Services (Department) properly denied his State Emergency Relief (SER) application?

**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 application for State Emergency Relief (SER) assistance with housing. Exhibit A, pp 6-17.
2. Petitioner reported on his ██████████ ██████████ 2020, application form that his mailing address was ██████████ ██████████ ██████████ MI ██████████ Exhibit A, p 7.
3. On March 9, 2020, the Department notified Petitioner that he was eligible for State Emergency Relief (SER) assistance pending verification of his payment of a \$415 copayment and mailed its notice to the mailing address listed on the ██████████ ██████████ 2020, application. Exhibit A, pp 19-21.
4. On ██████████ ██████████ 2020, the Department received another application for State Emergency Relief (SER) assistance with housing. Exhibit A, pp 23-27.
5. On June 17, 2020, the Department notified Petitioner that he was not eligible for State Emergency Relief (SER) assistance. Exhibit A, pp 28-31.

6. On August 20, 2020, the Department received Petitioner's request for assistance protesting the denial of State Emergency Relief (SER) assistance. Exhibit A, pp 4-5.

### **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 *et seq.* The Department administers the SER program pursuant to MCL 400.10 of the Social Welfare Act, MCL 400.1 *et seq.*, and Mich Admin Code, R 400.7000 through R 400.7049.

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The Department will provide an administrative hearing to review the decision and determine the appropriateness. The Michigan Administrative Hearing System (MAHS) may grant a hearing for any of the following:

- Denial of an application and/or supplemental payments.
- Reduction in the amount of program benefits or service.
- Suspension or termination of program benefits or service.
- Restrictions under which benefits, or services are provided.
- Delay of any action beyond standards of promptness.
- For FAP only, the current level of benefits or denial of expedited service.

Department of Human Services Bridges Administrative Manual (BAM) 600 (January 1, 2020), p 5.

The client or authorized hearing representative has 90 calendar days from the date of the written notice of case action to request a hearing. The request must be received anywhere in DHS within the 90 days. Department of Human Services Bridges Administrative Manual (BAM) 600 (January 1, 2020), pp 6-7.

On February 27, 2020, the Department received Petitioner's application for SER assistance requesting assistance with a deposit on an apartment. Petitioner reported on his application form that his mailing address was 1290 Cricklewood St. SW, Wyoming, MI 49509. On March 9, 2020, the Department notified Petitioner that he was eligible for SER assistance pending verification of his payment of a \$415 copayment.

The notice was mailed to the address listed on the application form. No verification that the \$415 copayment was received by the Department, and the Department cancelled the SER assistance payment that Petitioner would have been eligible for.

On August 20, 2020, the Department received Petitioner's request for a hearing. The August 20, 2020, request for a hearing is not timely with respect to the March 9, 2020, eligibility determination because it was not received within 90 days of the mailing of the eligibility notice. Therefore, Petitioner is not entitled to a hearing protesting the denial of the SER assistance requested on [REDACTED] 2020.

However, in the alternative, if Petitioner is entitled to a hearing protesting the denial of the [REDACTED] 2020, application, then the Department was acting in accordance with Department policy when it cancelled its portion of the SER assistance because Petitioner failed to make his \$415 copayment or failed to provide verification of the payment to the Department.

State Emergency Relief (SER) assists individuals and families to resolve or prevent homelessness by providing money for rent, security deposits, and moving expenses. Department of Health and Human Services Emergency Relief Manual (ERM) 303 (October 1, 2020), pp 1-7.


On [REDACTED] 2020, Petitioner re-applied for SER assistance with housing expenses. At that time, Petitioner had already moved into the apartment after negotiating with his landlord to delay the payment of the security deposit. On June 17, 2020, the Department denied the SER application after determining that there was no emergency situation that would be resolved with SER assistance. Petitioner was able to avoid homelessness through self-help, and SER assistance was no longer necessary to avoid homelessness.

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 was acting in accordance with policy when it denied the [REDACTED] 2020, application for State Emergency Relief (SER) assistance because there was no longer an emergency situation and Petitioner was no longer at risk of becoming homeless.

**DECISION AND ORDER**

Accordingly, the Department's decision is AFFIRMED.

KS/nr

  
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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

**DHHS**

Kimberly Kornoelje  
121 Franklin SE  
Grand Rapids, MI  
49507

Kent County DHHS- via electronic mail

BSC3- via electronic mail

T. Bair- via electronic mail

E. Holzhausen- via electronic mail

**Petitioner**

██████████ - via first class mail

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██████████, MI  
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