



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 22, 2021  
MOAHR Docket No.: 21-000717  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Jeffrey Kemm**

### **HEARING DECISION**

On February 3, 2021, Petitioner, [REDACTED], requested a hearing to dispute the Department's decision to deny his request for State Emergency Relief (SER). As a result, a hearing was scheduled to be held on March 18, 2021, pursuant to MCL 400.9 and Mich Admin Code, R 792.11002. Petitioner appeared at the hearing and represented himself. Respondent, Department of Health and Human Services (Department), had April Nemeck, Hearing Facilitator, appear as its representative. Neither party had any additional witnesses.

One exhibit was admitted into evidence during the hearing. A 33-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

### **ISSUE**

Whether the Department properly denied Petitioner's request for 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] 2021, Petitioner applied for SER for relocation assistance because he was homeless and needed assistance to obtain housing.
2. Petitioner was living between a rest area and a storage unit.
3. Petitioner had two children living with Petitioner's parents.
4. Petitioner was receiving monthly gross income of \$1,365.00 from social security.
5. On January 20, 2021, the Department mailed a verification checklist to Petitioner to obtain verification of his homelessness. The verification checklist instructed

Petitioner to provide proof of his need for relocation assistance by January 27, 2021. The verification checklist instructed Petitioner to return one of the following forms of proof: court order/judgment/summons, legal notice to vacate condemned housing, MSHDA/HUD statement of residency in transitional facility, fire department report, or newspaper article.

6. In response, Petitioner provided a statement from [REDACTED] that advised that Petitioner had been approved to move into a home [REDACTED]. [REDACTED] further advised that Petitioner's rent would be \$725.00 per month, and he would need \$1,087.52 to move in.
7. Petitioner did not provide the Department with any other verification of his homelessness.
8. On January 28, 2021, the Department issued a state emergency decision notice which notified Petitioner that his request for SER was denied because he did not provide verification of his homelessness.
9. On February 3, 2021, Petitioner requested a hearing.
10. Petitioner is currently still homeless.

### **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 pursuant to MCL 400.10 and Mich Admin Code, R 400.7001-.7049.

In this case, Petitioner requested SER for relocation assistance because he was homeless and needed assistance to obtain housing. The Department instructed Petitioner to provide proof of his need for relocation assistance by January 27, 2021, and then the Department denied Petitioner's request for SER when the Department determined that Petitioner did not provide the required proof.

Persons who are homeless; living in an emergency shelter, on the street, in a car or place unfit for human habitation must provide a written observation by an outreach worker, written referral by another service provider, or a written statement from the head of household stating that the SER group is living on the streets. ERM 303 (October 1, 2020), p. 3. Verification may include a group's statement that they are sleeping in a car or on the street and there is no housing they can return to. *Id.* at 6.

The Department did not advise Petitioner that he could simply provide a statement as proof of his need for relocation assistance. In the verification checklist, the Department advised Petitioner to “return one of the following: court order/judgment/summons, legal notice to vacate condemned housing, MSHDA/HUD statement of residency in transitional facility, fire department report, or newspaper article.” Thus, the verification checklist omitted Petitioner’s option to provide a statement that he is homeless as verification of his need for relocation assistance, and instead it advised Petitioner that his options were limited to providing one of the forms of proof listed. Therefore, the verification checklist did not properly request proof of Petitioner’s need for relocation services.

Since the verification checklist did not properly request proof of Petitioner’s need for relocation services, and since the Department denied Petitioner’s request for SER for not providing proof of his need for relocation services, the Department did not act properly when it denied Petitioner’s request for SER. Therefore, the Department’s decision is reversed.

Although the Department’s decision is reversed, that does not mean that Petitioner is eligible for SER; it simply means that the Department did not properly deny Petitioner’s request for SER. The Department may still require Petitioner to provide verification of his need for relocation services. If the Department requires Petitioner to provide verification of his need for relocation services, the Department must assist Petitioner so that he understands what proof of his need for relocation services is required, and the Department must give Petitioner the option to provide a statement as his proof. If the Petitioner requests assistance with gathering his verification, the Department must assist Petitioner in gathering the appropriate verification.

### **DECISION AND ORDER**

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 did not act in accordance with its policies and the applicable law when it denied Petitioner’s request for SER.

IT IS ORDERED the Department’s decision is **REVERSED**. The Department shall begin to implement this decision within 10 days.

JK/cc



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**Jeffrey Kemm**  
Administrative Law Judge  
for Elizabeth Hertel, 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 Email:**

MDHHS-Genesee-UnionSt-Hearings  
BSC4-HearingDecisions  
E. Holzhausen  
T. Bair  
MOAHR

**Petitioner- Via USPS:**

