



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: September 3, 2021
MOAHR Docket No.: 21-003551
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 August 26, 2021. Petitioner represented herself. The Department was represented by Julie Mclaughlin and Alexis Eziukwu.

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 ██████ 2021, the Department received Petitioner's application for assistance requesting relocation assistance. Exhibit A, pp 7-13.
2. Department records indicate that during an eligibility interview on July 13, 2021, Petitioner reported that she was living in a relative's home. Exhibit A, pp 14-17.
3. On July 13, 2021, the Department notified Petitioner that she was not eligible for State Emergency Relief (SER) assistance. Exhibit A, pp 41-43.
4. On July 22, 2021, the Department received Petitioner's request for a hearing protesting the denial of her State Emergency Relief (SER) application. Exhibit A, pp 3-4.

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.

As a condition of State Emergency Relief (SER) eligibility, all the adults in the SER group must agree to take actions within their ability to make potential resources available. Department of Health and Human Services Emergency Relief Manual (ERM) 203 (October 1, 2018), p 1.

State Emergency Relief (SER) assists individuals and families to resolve or prevent homelessness by providing money for rent, security deposits, and moving expenses. Assistance is available when the SER group is homeless or at risk of homelessness. A SER group living with friends or relatives is not homeless. Department of Health and Human Services Emergency Relief Manual (ERM) 303 (October 1, 2020), pp 1-3.

On ■■■ ■ 2021, the Department received Petitioner's application for assistance requesting relocation assistance. Petitioner reported to the Department that she was living in a relative's home. On July 13, 2021, the Department notified Petitioner that she was not eligible for SER assistance.

Petitioner argues that she was illegally evicted from her home and that his created an emergency housing situation that is ongoing.

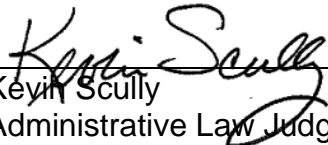
However, the hearing record supports a finding that Petitioner was able to resolve her own housing emergency by moving in with relatives. Petitioner is not homeless as defined by ERM 303, and there is no emergency situation that can be resolved by SER assistance.

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 application for State Emergency Relief (SER) assistance.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/nr



Kevin Scully
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

DHHS

Jackie Stempel
2700 Baker Street
PO Box 4290
Muskegon Heights, MI 49444

Muskegon 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 ██████████