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GOVERNOR

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

ORLENE HAWKS
DIRECTOR

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Date Mailed: September 10, 2021
MOAHR Docket No.: 21-003752
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 hearing was held via telephone conference on September 7, 2021. Petitioner participated and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by Inea Ali, specialist.

ISSUE

The issue is whether MDHHS properly denied 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. As of June 30, 2021, Petitioner resided in a home owned by his mother.
2. On ██████████, 2021, Petitioner applied for SER seeking assistance for the costs of home repairs, water heater, furnace, clothing, and a washer/dryer.
3. On July 15, 2021, denied Petitioner's SER application due to requesting uncovered services and not being the owner of the home.

CONCLUSIONS OF LAW

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. MDHHS policies are contained in the Emergency Relief Manual (ERM).

Petitioner requested a hearing to dispute a denial of SER. Exhibit A, pp. 3-4. Petitioner testified that a basement flood caused significant damage to his residence. Petitioner applied for SER on ██████████ 2021, requesting payment for home repairs, a water heater, furnace, clothing, and a washer/dryer.¹ A State Emergency Relief Decision Notice dated July 15, 2021, stated that MDHHS denied Petitioner's application due to the requested services not being covered by SER. Exhibit A, pp. 6-7.

SER payments may be issued for assistance with relocation, home ownership, home repairs, burial costs, utilities, and migrant hospitalization. ERM 100 (May 2021) p. 1. Notably, a washer, dryer, and clothing are not among items covered by SER. Thus, MDHHS properly did not approve SER for Petitioner's request for clothing, a washer, and a dryer.

Petitioner's request for home repairs, furnace, and water heater are potentially covered by SER under home ownership services. ERM 304 (October 2018). Among the requirements for SER-home ownership services is that the group member be an owner or purchaser of the home, or a holder of a life estate on the home with the responsibility for home repairs. ERM 304 (October 2018) p. 4.

Petitioner's testimony acknowledged that his mother, who resides in a nursing home, owns the home in which he resided. Petitioner also testified that he is responsible for taking care of the home but is not listed on the deed. Petitioner further testified that he was denied a request for federal funds and that he is currently financially challenged, in part, due to a lay-off coinciding with the end of unemployment benefits.

Petitioner's financial challenges are not relevant to the SER denial. Petitioner does not own the home for which SER services were sought. As the non-owner, he is not eligible for home ownership assistance under SER. Thus, MDHHS properly denied Petitioner's SER application.²


¹ MDHHS's evidence included an SER application dated ██████████ 2021. Exhibit A, pp. 8-12. Petitioner submitted the application dated ██████████ 2021, after he was denied. MDHHS also denied Petitioner's latter application. Petitioner is free to request a hearing if he disputes the denial of the latter SER application.

² The denial notice was imperfect for not specifically stating that Petitioner was denied SER, in part, due to not owning his residence. However, the stated reason of Petitioner requesting uncovered services is relevant enough to justify denial of SER-home ownership services.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly denied Petitioner's SER application dated [REDACTED], 2021. The actions taken by MDHHS are **AFFIRMED**.

CG/tm



Christian Gardocki
Administrative Law Judge

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-Wayne-76-Hearings
L. Karadsheh
BSC4
MOAHR

Petitioner – Via First-Class Mail:

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