

GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED], MI [REDACTED]

Date Mailed: March 24, 2022
MOAHR Docket No.: 21-004249
Agency No.: [REDACTED]
Petitioner: [REDACTED] [REDACTED]

ADMINISTRATIVE LAW JUDGE: Danielle Nuccio

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 Zoom on March 9, 2022. The Petitioner appeared and was represented by his attorney, Sean Tate. The Department of Health and Human Services (MDHHS) was represented by Michelle Collins, Eligibility Specialist, and Morgan Hafler, Assistant Payments Supervisor.

ISSUE

Did MDHHS properly deny Petitioner's State Emergency Relief (SER) application for relocation expenses?

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 submitted a SER application.
 - a. Petitioner stated that he was homeless and didn't have a permanent place to stay.
 - b. Petitioner receives \$[REDACTED] per month in Supplemental Security Income (SSI).
 - c. Petitioner requested \$[REDACTED] in relocation expenses, \$[REDACTED] for a security deposit, and \$[REDACTED] for moving expenses so that he could move to an apartment at the Saginaw Housing Commission.

- d. Petitioner stated that he had to leave the apartment building he was then residing in immediately because it did not have water or air conditioning and is unlivable.
- (Exhibit A, pp. 4-8).
- 2. On August 24, 2021, MDHHS issued an SER Verification Checklist to Petitioner, requesting that he submit, by August 31, 2021, verification of need for SER relocation (such as a legal notice to vacate, fire department report, or newspaper article) (Exhibit A, pp. 9-10).
 - 3. On August 30, 2021, MDHHS received from Petitioner a newspaper article, published on June 5, 2021, reporting that on May 27, 2021 and on June 2, 2021, the apartment building that Petitioner lived in did not have water or air conditioning (Exhibit A, pp. 22-24).
 - 4. Petitioner submitted to MDHHS a letter dated August 30, 2021 from the Saginaw Housing Commission stating that Petitioner was approved for an apartment and was required to pay his first month rent of \$233.00 and a security deposit of \$233.00 before he is able to move in (Exhibit A, pp. 20-21).
 - 5. On [REDACTED], 2021, MDHHS issued a SER Decision Notice to Petitioner, informing him that his SER application was denied because his income/asset copayment is equal to or greater than the amount needed to resolve the emergency and that he did not provide a verification of need to relocate (Exhibit A, pp. 11-13).
 - 6. On September 6, 2021, Petitioner submitted a timely hearing request to MDHHS regarding the denial of his SER application (Exhibit A, p. 3).

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.

Petitioner requested a hearing to dispute the denial of his SER application. MDHHS denied Petitioner's application because his income/asset copayment is equal to or greater than the amount needed to resolve the emergency and that he did not provide a verification of need to relocate.

SER assists individuals and families to resolve or prevent homelessness by providing money for rent, security deposits, and moving expenses. ERM 303 (October 2020), p. 1. A client can receive relocation services only if the individual is homeless, meaning that there is no housing that the group can return to; that the SER group is at risk of homelessness; or that the SER group meets the eligibility requirements for a homeless assistance program identified in ERM 303. ERM 303, p. 2. Persons at imminent risk of homelessness must provide a court summons, order, or judgment resulting from an eviction action. A court summons, order, or judgment must be issued verifying that the SER group will become homeless. Verification of unsafe or unfit housing conditions must also be obtained, if applicable, for a request for relocation services. ERM 303, p. 3. A group who voluntarily left their home but can return without a threat to their health or safety, are not homeless. ERM 303, pp. 1-2. Clients must provide verification of need for relocation services. ERM 303, p. 5. The client must make a reasonable effort to obtain required verifications. The specialist must assist if the applicant needs and requests help. If neither the client nor the specialist can obtain the verifications despite a reasonable effort, use the best available information. If no evidence is available, the specialist must use their best judgment. ERM 103 (December 2020), p. 6.

MDHHS denied Petitioner's SER application for the reason that his asset/income copayment exceeded the need. SER group members must use their available income and cash assets that will help resolve the emergency. Income that is more than the basic monthly income need standard for the number of group members must be deducted from the cost of resolving the emergency. This is the income copayment. The income and asset copayments combined together determine the SER group's total copayment. The total copayment is the amount the SER group must pay toward their emergency. Copayment amounts are deducted from the cost of resolving the emergency. The copayment must be paid before any other service is paid. ERM 208(May 2021), pp. 1-2. In this case, MDHHS testified that they believe that this denial reason was included on the Decision Notice in error. MDHHS testified that Petitioner's copay never was actually calculated because he did not submit sufficient verifications of need.

In support of verification of unsafe or unfit housing conditions. Petitioner submitted a newspaper article reporting that on May 27, 2021 and on June 2, 2021, his apartment building did not have water or air conditioning. Petitioner testified that he submitted the newspaper article to show that his current apartment building is a threat to his health and safety. Petitioner testified that he has health issues and it has caused him great stress to live in a building in which he cannot depend on water or air-conditioning. Petitioner confirmed that the water was out for only one day in May and one day in June. Petitioner testified that he first called his MDHHS Case Worker, Mr. Sarkissian, in June regarding his desire to move out of the apartment building. Petitioner states that his case worker told him that MDHHS cannot provide any services and he has to go to a shelter. Petitioner testified that he did not apply for SER until August because, based upon this conversation, he believed that there were no services that MDHHS could offer. Petitioner states that he left the apartment building in June because he was in fear of losing water or air-conditioning again, but he did not officially move out until August.

Since Petitioner did not apply for SER until [REDACTED], MDHHS denied his application based on no valid need, concluding that because the water and air conditioning have not had issues since June, Petitioner has not provided proof that he would be homeless or potentially homeless. Petitioner also did not provide proof that he was unable to return to the apartment building without a threat to his health and safety because there were no reported issues with the water or air-conditioning for the two months prior to Petitioner's application or at the time of application. Since Petitioner did not provide any additional documentation to support that he was homeless or at risk of homelessness at the time of application, MDHHS acted in accordance with policy in denying his SER application for failure to provide a valid need reason.

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 MDHHS acted in accordance with Department policy when it denied Petitioner's SER application.

DECISION AND ORDER

Accordingly, MDHHS' decision is **AFFIRMED**.

DN/mp


Danielle Nuccio
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

Email Recipients:

MDHHS-Wayne-55-Hearings
E. Holzhausen
MOAHR
T. Bair
BSC4

First-Class Mail Recipients:

[REDACTED]
[REDACTED]
[REDACTED], MI [REDACTED]

Sean Tate
2727 Second Avenue Suite 301
Detroit, MI 48201