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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: August 9, 2022
MOAHR Docket No.: 22-002884
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 line on August 4, 2022. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by Nicole Goss, specialist

ISSUE

The issue is whether MDHHS properly denied Petitioner's State Emergency Relief (SER) application for relocation.

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 ██████████ 2022, Petitioner applied for SER seeking relocation expenses and reported she was not homeless and not without a permanent place to stay.
2. On June 22, 2022, during an application interview, Petitioner reported living with her aunt for the last several months after losing money in a transaction with a disreputable landlord.
3. On June 22, 2022, MDHHS mailed Petitioner a SER Verification Checklist requesting proof of Petitioner's need for relocation.
4. On an unspecified date, Petitioner submitted to MDHHS a summons for a court date for January 14, 2022.

5. On [REDACTED] 2022, MDHHS denied Petitioner's SER application due to lacking a relocation emergency.
6. On July 6, 2022, Petitioner requested a hearing to dispute the denial of SER.

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

Petitioner requested a hearing to dispute the denial of an SER application. Exhibit A, pp. 4-5. Petitioner applied for SER on [REDACTED], 2022 seeking relocation, security deposit, and moving expenses.¹ Exhibit A, pp. 7-13. A State Emergency Relief Decision Notice dated [REDACTED] 2022, stated that Petitioner was not eligible for SER due to not having an emergency. Exhibit A, pp. 19-23.

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. This assistance falls under SER-relocation services. MDHHS is to authorize relocation services only if one of the following circumstances exists and all other SER criteria are met: the SER group is homeless, the SER group is at risk of homelessness, or the SER group meets the eligibility requirements for homeless assistance programs.² *Id.*, pp. 1-2. The definition of homelessness for SER means that there is no housing that the group can return to. *Id.*, p. 2. Generally, a group living with friends or relatives is not homeless. *Id.*³

Petitioner testified that she was scammed by a landlord several months earlier and moved to her aunt's home. When MDHHS interviewed Petitioner on June 22, 2022, Petitioner was still at her aunt's home. Petitioner testified that she told MDHHS during the interview that she was told by her aunt's husband to move by July 1, 2022. Living several months, albeit temporarily, with her aunt would not qualify as an emergency. If Petitioner was told to move by July 1, 2022, then Petitioner's circumstances might qualify as an emergency.

Petitioner's specialist testified that Petitioner said she wanted to move by July 2022 but made no mention of having to move. She alleged that Petitioner only raised the need to

¹ Petitioner's application was electronically submitted to MDHHS on [REDACTED]. MDHHS properly registered Petitioner's application for its next day of business on [REDACTED], 2022.

² The homeless assistance programs include Family Re-Housing Program and Rural Homeless Permanent Supportive Housing Initiative.

³ Listed exceptions include the following a natural disaster within the past 60 days, escaping domestic violence, or criteria are met for one of the above homeless assistance programs. *Id.* There was no evidence of Petitioner meeting an exception.

move only after being denied SER. The credibility of the specialist was bolstered by the good-faith actions in processing Petitioner's SER application.

One example of good faith was not immediately denying Petitioner's application after the interview. Instead, Petitioner's specialist sent Petitioner a SER Verification Checklist on June 22, 2022 requesting proof of an emergency. Exhibit A, pp. 14-15. In response, Petitioner did not return a statement from her aunt stating that Petitioner needed to move. Instead, Petitioner returned a court summons dated several months earlier concerning a previous residence; Petitioner's submission was insufficient to verify a current relocation emergency. Exhibit A, p. 16.

Petitioner also gave no inkling of a need to move on her SER application. Petitioner answered "No" in response to the question, "Are you homeless and don't have a permanent place to stay?" Petitioner's response was not indicative of a need to move from her aunt's home by July 2022.

The evidence established that Petitioner failed to verify a relocation emergency. Thus, MDHHS properly denied Petitioner's SER application.

Petitioner's testimony suggested an ongoing need for relocation services. As discussed during the hearing, Petitioner is free to reapply for SER for ongoing relocation services need.

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 for relocation services dated [REDACTED] 2022. The actions of MDHHS are **AFFIRMED**.

CG/mp



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-Electronic Mail :

DHHS
DHHS-Oakland-DistrictII-Hearings
E. Holzhausen
MOAHR
T. Bair
BSC4

Via-First Class Mail :

Petitioner
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] MI [REDACTED]