



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: December 29, 2022
MOAHR Docket No.: 22-004811
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Zainab A. Baydoun

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 telephone hearing was held on November 30, 2022, from Detroit, Michigan. Petitioner appeared for the hearing and represented herself. The Department of Health and Human Services (Department) was represented by Lakeitia Cokley, Assistance Payments Supervisor.

ISSUE

Did the Department properly process Petitioner's request for State Emergency Relief (SER) assistance with relocation and moving 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 or around [REDACTED] 2022, Petitioner submitted an application requesting SER assistance with relocation and moving expenses. (Exhibit A, pp.6 – 11)
2. On or around October 6, 2022, the Department sent Petitioner an Application Notice, advising her that her request for SER assistance was denied because she withdrew or failed to complete the application process. (Exhibit A, pp. 12-15)
3. On or around October 14, 2022, Petitioner requested a hearing disputing the Department's actions with respect to her SER application. Exhibit A, pp. 3-5)

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.

SER assists individuals and families to resolve or prevent homelessness by providing money for rent (first month or rent arrearage), security deposits (if required), and moving expenses (to relocate household effects). ERM 303 (October 2020), pp. 1-2. The Department will deny SER if the applicant withdraws their application. ERM 102 (October 2020), pp. 1-2.

In this case, the Department representative testified that Petitioner's ██████████ 2022, SER application was denied on October 6, 2022, because it was documented that Petitioner withdrew her application. However, the Department representative testified that after receiving Petitioner's request for hearing, it determined that the application was improperly denied because there was no actual documentation that Petitioner withdrew her application. The Department testified that it has begun reprocessing Petitioner's SER application and Petitioner has submitted verifications that were requested. The Department representative testified that as of the hearing date, an eligibility decision has not been made due to an updated provider number being required for Petitioner's landlord. The Department representative testified that once the Department receives the updated provider number for Petitioner's landlord, the application can be certified, and an eligibility decision can be made. The Department representative confirmed that the October 6, 2022, denial of Petitioner's ██████████ 2022, SER application was incorrect and as of the hearing date, the application had not been completely reprocessed.

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 Department policy when it denied Petitioner's ██████████ 2022, SER application, as there was no evidence that Petitioner voluntarily withdrew her application or failed to complete the application process.

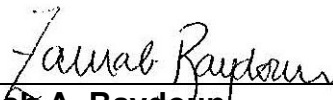
DECISION AND ORDER

Accordingly, the Department's decision is **REVERSED**.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Complete the reprocessing of Petitioner's [REDACTED] 2022, SER application;
2. Supplement Petitioner and/or her SER provider for any SER benefits that she was eligible to receive but did not from the application date, ongoing; and
3. Notify Petitioner in writing of its decision.

ZB/ml



Zainab A. Baydoun
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
Richard Latimore
Wayne-Conner-DHHS
4733 Conner
Detroit, MI 48215
**MDHHS-Wayne-57-
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Interested Parties
BSC4
K Schulze
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MOAHR

Via First Class Mail :

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