



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: November 18, 2022
MOAHR Docket No.: 22-004824
Agency No.: [REDACTED]
Petitioner: [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 telephone hearing was held on November 16, 2022. The Petitioner appeared and represented himself. The Department of Health and Human Services (MDHHS) was represented by Audrey Harris, Eligibility Specialist.

ISSUE

Did MDHHS properly deny Petitioner's [REDACTED] 2022 State Emergency Relief (SER) application?

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] 2022, Petitioner applied for SER to assist with relocation services pending eviction (Exhibit A, pp. 7-12).
2. On [REDACTED] 2022, MDHHS issued an Application Notice to Petitioner, informing him that his SER application was denied for failure to submit a Court Summons, Order or Judgment (Exhibit A, pp. 13-14).
3. On October 12, 2022, MDHHS received Petitioner's timely submitted hearing request disputing the closure of his Food Assistance Program (FAP) case and denial of his SER application (Exhibit A, pp. 4-5).

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.

Petitioner requested a hearing regarding the denial of his SER application and closure of his FAP case. Petitioner testified that he is no longer requesting a hearing regarding his FAP case because that issue has been resolved. Petitioner withdrew the FAP hearing request without objection.

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. In order to be eligible for relocation services, the individual must be homeless or at risk of homelessness. Persons at imminent risk of homelessness must provide a court summons, order or judgment resulting from an eviction action. ERM 303, pp. 2-3. Additionally, MDHHS must verify the group shelter payments for the past six months. If required payments have not been made, MDHHS will determine whether the SER group had good cause for non-payment of their shelter obligation during the last six months, regardless of the reason they are in need. ERM 303, p. 4. Clients **must** be informed of all verifications that are required and where to return verifications. The due date is eight calendar days, which begins on the date the SER Verification Checklist is generated. ERM 103 (October 2021), pp. 5-6 (Emphasis added).

In this case, Petitioner applied for SER to assist with relocation services pending eviction on both [REDACTED] 2022 and [REDACTED] 2022. On [REDACTED] 2022, MDHHS issued an Application Notice to Petitioner, informing him that his SER application was denied for failure to submit a Court Summons, Order, or Judgment. Petitioner testified that he submitted a September 1, 2022 Court Order of Eviction to MDHHS on October 4, 2022. A SER VCL was issued to Petitioner on October 17, 2022 requesting various information needed to process Petitioner's application. However, no evidence was presented that a SER VCL was issued to Petitioner requesting a court summons, order or judgment resulting from an eviction action in order to process his [REDACTED] 2022 SER Application. MDHHS is required to inform Petitioner of the information needed to process each application as stated in ERM 103. Since MDHHS did not issue a VCL for the [REDACTED] 2022 application, they did not act in accordance with policy in denying Petitioner's application for failure to provide proof of a court summons, order, or judgment resulting from an eviction action.

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 did not act in accordance with Department policy when it denied Petitioner's SER application.

DECISION AND ORDER

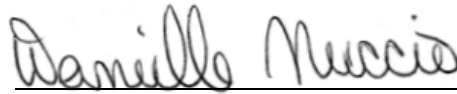
Accordingly, the Department's decision is **REVERSED**.

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. Reprocess the [REDACTED] 2022 application;
2. Notify Petitioner of its decision in writing.

Petitioner's October 12, 2022 request for hearing regarding his FAP case is **DISMISSED**.

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

Via-Electronic Mail :

DHHS
MDHHS-Wayne-17-hearings
E. Holzhausen
K. Schulze
MOAHR
BSC4

Via-First Class Mail :

Petitioner

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