



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

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██████████, MI ██████████

Date Mailed: April 24, 2023
MOAHR Docket No.: 23-001693
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Ellen McLemore

HEARING DECISION

Following Petitioner's request for a hearing, this matter is before the undersigned Administrative Law Judge (ALJ) 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 April 20, 2023, via conference line. Petitioner was present and was unrepresented. The Department of Health and Human Services (Department) was represented by Candice Benns, Hearing Facilitator.

ISSUE

Did the Department properly deny Petitioner's State Emergency Relief (SER) applications?

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 November 22, 2022, Petitioner submitted an application for SER benefits for relocation services for a security deposit.
2. On December 5, 2022, the Department sent Petitioner an application notice informing her that her SER application was denied.
3. On January 13, 2023, the undersigned ALJ issued a Hearing Decision ordering the Department to reinstate and reprocess the November 22, 2022 application.
4. On January 17, 2023, the Department sent Petitioner an SER Verification Checklist (VCL) requesting proof of need for relocation services (Exhibit A, pp. 10-11).

5. On January 24, 2023, the Department sent Petitioner a State Emergency Relief Decision Notice informing her that her application was denied for her failure to submit the requested verifications (Exhibit A, pp. 12-13).
6. On February 21, 2023, Petitioner reapplied for SER benefits for relocation services for the security deposit.
7. On February 23, 2023, the Department sent Petitioner a SER VCL requesting proof of need for the services (Exhibit A, pp. 14-15).
8. On March 6, 2023, the Department sent Petitioner a State Emergency Relief Decision Notice informing her that her SER application was denied for her failure to submit the requested verifications (Exhibit A, pp. 16-17).
9. On March 20, 2023, Petitioner submitted a request for hearing disputing the Department's actions.

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).

In this case, Petitioner was sent VCLs requesting proof of need for services on January 17, 2023, related to the November 22, 2022 application and February 23, 2023, related to the February 21, 2023 application. Proofs were due by January 24, 2023, and March 2, 2023, respectively.

Applicants may file an SER application in any county in Michigan. ERM 103 (October 2017), p. 1. At application, Clients must be informed of all verifications that are required and where to return verifications. ERM 103, p. 7. The due date is eight calendar days beginning with the date of application. ERM 103, p. 7. If the application is not processed on the application date, the deadline to return verifications is eight calendar days from the date verification is requested. ERM 103, p. 7. The Department will use the DHS-3503, SER Verification Checklist, to request verification and to notify the client of the due date for returning the verifications. ERM 103, p. 7. The Department sends a negative action notice when: the client indicates a refusal to provide a verification OR the time period given has elapsed and the client has not made a reasonable effort to provide it. BAM 130 (April 2017), p. 7.

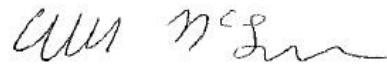
Individuals who are homeless or at risk of homelessness and are requesting relocation services must submit documentation of need. ERM 303, p. 3. Individuals at imminent risk of homelessness must provide a court summons, order or judgment resulting from an eviction proceeding. ERM 303, p. 3. Individuals who are alleging they are homeless as a result of domestic violence must submit a statement that they are living with others to escape domestic violence. ERM 303, p. 6.

The Department sent Petitioner a VCL, on two occasions, requesting proof that she was at risk of homelessness by providing a court summons, order or judgment resulting from an eviction proceeding. Petitioner testified that she did not receive the VCL. The issue involving the VCL is moot, as Petitioner was not alleging that she was evicted. Petitioner testified that she applied for benefits to escape a situation of domestic violence, which per policy, would only require a statement of self-attestation.

Policy specifically states that for an individual that is alleging they are homeless, as a result of domestic violence, they must submit a statement they are living with other individuals. As Petitioner was not living with other individuals at the time of the applications, she does not meet the definition of homeless. Therefore, the Department acted in accordance with policy when it denied Petitioner's SER applications.

DECISION AND ORDER

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 acted in accordance with Department policy when it denied Petitioner's SER applications. Accordingly, the Department's decisions are **AFFIRMED**.



Ellen McLemore
Administrative Law Judge

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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 :

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Interested Parties

E. Holzhausen
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BSC4

Via-First Class Mail :

Petitioner

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