



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: June 23, 2023
MOAHR Docket No.: 23-002655
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Linda Jordan

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 on June 14, 2023 via teleconference. Petitioner appeared and represented herself. The Michigan Department of Health and Human Services (MDHHS or Department) did not appear.

ISSUE

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

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 about February 17, 2023 and March 17, 2023, Petitioner submitted or attempted to submit applications for SER services.
2. On May 1, 2023, Petitioner submitted an application for SER for assistance with relocation expenses (Exhibit 1, p. 1).
3. On May 2, 2023, Petitioner filed a Request for Hearing to dispute the processing of her request for SER (Exhibit 1, p. 4).
4. On May 4, 2023, MDHHS sent Petitioner a State Emergency Relief Decision Notice indicating that the application was denied because the emergency had been resolved (Exhibit 1, pp. 8-9).

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. SER is administered by the Michigan Department of Health and Human Services (MDHHS) pursuant to MCL 400.10 and Mich Admin Code, R 400.7001-.7049.

In this case, MDHHS denied Petitioner's application for SER services because it received information that Petitioner's housing emergency had been resolved. MDHHS did not appear at the hearing. Accordingly, this decision is based on Petitioner's testimony and the documents prepared by MDHHS, which were admitted during the hearing as Petitioner's Exhibit 1.

To be eligible for SER, individuals must have an emergency that threatens health or safety and can be resolved through the issuance of SER. ERM 101 (March 2013), p. 1. When a client applies for SER, MDHHS must register the application within one day of receipt. ERM 103 (October 2022), p. 2. After registering the application, MDHHS is required to obtain all supporting documentation, make an eligibility determination, and issue a decision notice. *Id.*, pp. 2-4. Prior written or oral approval must be given by an authorized MDHHS staff person before SER is issued. *Id.*, p. 3. MDHHS is prohibited from issuing SER to reimburse expenses incurred or paid without prior Department approval. *Id.*

At the hearing, Petitioner testified that she submitted two SER applications prior to the May 1, 2023 SER application, and that MDHHS failed to act on these applications. MDHHS did not appear at the hearing to provide evidence to the contrary. Thus, the record shows that MDHHS failed to follow policy when it did not register the previous applications. Subsequently, Petitioner reapplied for FAP on May 1, 2023 for assistance with relocation expenses for her move to [REDACTED]. MDHHS contacted [REDACTED] and a representative confirmed that Petitioner had already moved into the unit, and that she had paid the security deposit, first month's rent and rent for subsequent months (Exhibit 1, pp. 1, 6). Petitioner confirmed that this was accurate and that she had moved into [REDACTED] and made the requisite payments.

Although MDHHS erred by failing to register and process Petitioner's previous SER applications, it properly denied Petitioner's request for SER services because the emergency had been resolved. Pursuant to policy, MDHHS is prohibited from issuing SER to reimburse expenses incurred or paid without prior Department approval.

Because Petitioner made the payments to resolve her housing emergency prior to receiving approval from MDHHS, she is not eligible for SER.

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 request for SER relocation services.

DECISION AND ORDER

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



LJ/tm

Linda Jordan
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

