



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: August 17, 2023  
MOAHR Docket No.: 23-003977  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Ellen McLemore**

**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 August 14, 2023, via conference line. Petitioner was present and was unrepresented. The Department of Health and Human Services (Department) was represented by James Hill, Assistance Payments Supervisor.

**ISSUE**

Did the Department properly deny Petitioner's 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 April 19, 2023, Petitioner submitted an SER application for assistance with rent to prevent eviction (Exhibit A, pp. 9-14).
2. On April 19, 2023, the Department sent Petitioner an SER Verification Checklist (VCL) requesting verification of her income and need (Exhibit A, pp. 15-16).
3. On April 20, 2023, Petitioner submitted a pay statement from her employment with [REDACTED]
4. On April 27, 2023, the Department sent Petitioner a State Emergency Relief Decision Notice informing her that her application for SER benefits was denied for her failure to submit the requested verifications (Exhibit A, pp. 17-19).

5. On July 7, 2023, Petitioner submitted a request for hearing disputing the Department's actions related to her April 19, 2023 application.

### **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.

In this case, Petitioner submitted an application for SER benefits on April 19, 2023. On April 19, 2023, the Department sent Petitioner an SER VCL requesting verification of her income and proof of need for services. Proofs were due by April 26, 2023.

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.

At the hearing, the Department testified that Petitioner failed to submit the requested verifications. The Department stated that in the application for benefits, Petitioner indicated she was employed with [REDACTED] and [REDACTED]. The Department conceded that Petitioner submitted a pay statement from her employment at [REDACTED] on April 20, 2023, with a pay date of April 2, 2023. Petitioner also submitted a new hire form on April 24, 2023, from her employment at [REDACTED], which stated she began employment on March 28, 2023. Petitioner also submitted evidence that she informed the Department on April 20, 2023, that her job at [REDACTED] would not start until April 27, 2023 (Exhibit 1, p.5).

At the hearing, the Department did not provide a clear answer as to why the verifications submitted by Petitioner were insufficient. Petitioner gave credible testimony that she provided the income verifications available to her, as her employment at Busch's had just begun and she had not yet started her employment at Olga's. Petitioner made a reasonable effort to comply with the Department's request for

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

**DECISION AND ORDER**

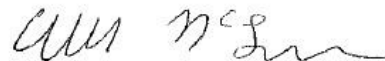
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department failed to satisfy its burden of showing that it acted in accordance with Department policy when it denied Petitioner's April 19, 2023 application.

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. Reinstatement and reprocess Petitioner's April 19, 2023 SER application;
2. If Petitioner is eligible for SER benefits, issue payment in accordance with Department policy; and
3. Notify Petitioner of its decision in writing.

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**Ellen McLemore**  
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**  
Yvonne Hill  
Oakland County DHHS Madison  
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**MDHHS-Oakland-DistrictII-  
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**Interested Parties**  
L. Karadsheh  
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**Via-First Class Mail :**

**Petitioner**  
[REDACTED]  
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