



STATE OF MICHIGAN

GRETCHEN WHITMER
GOVERNOR

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
SUZANNE SONNEBORN
EXECUTIVE DIRECTOR

MARLON I. BROWN, DPA
ACTING DIRECTOR



Date Mailed: December 5, 2023
MOAHR Docket No.: 23-007195
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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, 2023, from Lansing, Michigan. The Petitioner was represented by himself. The Department of Health and Human Services (Department) was represented by Devona Gilbert Hearing Facilitator. Department Exhibit 1, pp. 1-23 was received and admitted.

ISSUE

Did the Department properly deny Petitioner's State Emergency Relief (SER) application for relocation assistance based on a lack of rental payment history?

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] 2023, Petitioner applied for SER assistance for relocation assistance.
2. On October 11, 2023, a State Emergency Relief Decision Notice was sent to Petitioner informing him that his application was denied due to the fiscal year service CAP.

3. On October 30, 2023, a State Emergency Relief Decision Notice was sent to Petitioner informing him that his SER application was approved for payment of security deposit in the amount of \$158.25.
4. On October 19, 2023, Petitioner requested hearing disputing the denial of SER.
5. Petitioner did not submit 6 month rental payment history at the time of 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.

REQUIRED PAYMENTS

Verify the group shelter payments for the past six months and enter the obligation amount and verification source on the SER Required Payments screen. If required payments have not been made, Bridges 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; see ERM 204. Example: A group in a homeless shelter or homeless due to a fire must have met required payments. Note: In cases where the group is residing in a homeless shelter, and there are extenuating circumstances, an exception request may be made through Bridges to Energy and Emergency Services. See ERM 104, Exceptions to Official SER Policy. ERM

In this case, Petitioner testified that he was satisfied with the Department action with regard to his security deposit SER approval. With regard to the SER request for rent to relocate, Petitioner acknowledged that he did not submit verification of rental payment history and he did not have 6 months rental payment history. Department policy requires verification of 6 months rental payment history. ERM 303 (October 2021) Therefore, the Department denial for lack of rental payment history was proper and correct. In addition, at the time of application the yearly CAP for relocation assistance had been reached and a denial on that basis would have also been warranted.

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 application for lack of rental payment history.

DECISION AND ORDER

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

AM/ml



Aaron McClintic
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
Elisa Daly
Saginaw County DHHS
411 East Genesee
Saginaw, MI 48607
MDHHS-Saginaw-Hearings@michigan.gov

Interested Parties

BSC2
E Holzhausen
J McLaughlin
MOAHR

Via First Class Mail:

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