



GRETCHEN WHITMER
GOVERNOR

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

MARLON I. BROWN, DPA
ACTING DIRECTOR

[REDACTED], MI [REDACTED]

Date Mailed: January 31, 2024
MOAHR Docket No.: 23-007945
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Danielle R. Harkness

HEARING DECISION

On November 6, 2023, Petitioner, [REDACTED] [REDACTED] requested a hearing to dispute the Department's decision to deny her request for State Emergency Relief (SER). As a result, a hearing was scheduled to be held on January 25, 2024, pursuant to MCL 400.9 and Mich Admin Code, R 792.11002. Petitioner appeared at the hearing and represented herself. The Department of Health and Human Services (Department) was represented by Kristi Girardin, Payment Worker.

A 45-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

ISSUE

Did the Department properly deny Petitioner's SER application for assistance with relocation and a security deposit?

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 August 17, 2023, Administrative Law Judge Ellen McLemore issued a decision and order reversing the Department's denial of Petitioner's [REDACTED] [REDACTED] 2023, application for SER and ordered the Department to reinstate and reprocess Petitioner's April 19, 2023, SER application.
2. On August 25, 2023, the Department sent Petitioner an SER Verification Checklist (VCL) requesting verification of her income from [REDACTED] and of Petitioner's security deposit amount and rent to relocate.

3. On September 13, 2023, the Department sent Petitioner a State Emergency Relief Decision Notice informing her that her application for SER benefits was denied because she failed to submit verification of her security deposit amount and rent to relocate.
4. On [REDACTED] [REDACTED] 2023, Petitioner submitted an SER application for assistance with relocation and a security deposit.
5. On October 31, 2023, the Department sent Petitioner a State Emergency Relief Decision Notice informing her that her application for SER benefits was denied because Petitioner's shortfall amount is equal to or greater than the amount needed to resolve the emergency.
6. On November 6, 2023, Petitioner submitted a request for hearing to dispute the Department's decision to deny her SER 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 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.

When the Department requires verification of information, the Department must tell the client what is required, how to obtain it, and the due date. BAM 130 (April 1, 2017), p. 3. It is the client's responsibility to obtain the information. *Id.* The Department must give the client 10 calendar days to provide it. *Id.* at 7. If the client refuses to provide the information or fails to make a reasonable effort to provide it, then the Department must send a negative action notice. *Id.*

SER is intended to help address essential needs in emergency situations. ERM 101 (March 1, 2013), p. 1. In order to be eligible to receive SER, an emergency must exist. *Id.* SER applicants must cooperate in providing information about income, assets, living arrangements, and other persons living in the home. *Id.* Verification of required payments include rent receipts and a statement from the landlord. ERM 303 (October 1, 2022), p. 7.

In this case, the Department sent Petitioner an SER VCL requesting verification of her security deposit amount and rent to relocate on August 25, 2023. Verification was due by September 5, 2023. Petitioner indicated that she advised the Department that she was unable to provide verification of relocation because she did not have a new place to live. Based on the evidence presented, Petitioner failed to provide the required

verification to establish a shelter emergency. Thus, Petitioner did not meet the SER requirements. Since Petitioner did not provide the required verification to establish a shelter emergency, the Department's September 13, 2023, State Emergency Relief Decision Notice was proper.

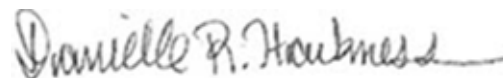
After Petitioner's [REDACTED] [REDACTED] 2023, SER application was received, the Department determined that Petitioner's shortfall amount is equal to or greater than the amount needed to resolve emergency. Petitioner provided no evidence to refute the Department's SER eligibility decision. Petitioner argued that her income should be calculated based on the income information that was provided on her previous application for SER benefits. However, pursuant to policy, the Department is required to complete a SER budget for each application. ERM 103 (October 1, 2023), p. 3.

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 properly denied Petitioner's SER application for assistance with relocation and a security deposit.

Accordingly, the Department's SER decision is AFFIRMED.

DH/nr



Danielle R. Harkness
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
Heights Dist.
30755 Montpelier Drive
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Interested Parties
Oakland 2 County DHHS
BSC4
J. McLaughlin
T. Bair
MOAHR

Via-First Class Mail :

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