



GRETCHEN WHITMER
GOVERNOR

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

MARLON I. BROWN, DPA
ACTING DIRECTOR



Date Mailed: November 6, 2023
MOAHR Docket No.: 23-005815
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Danielle Nuccio

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 2, 2023. Petitioner appeared and represented herself. The Department of Health and Human Services (MDHHS) was represented by Alice Gilmer, Family Independence Manager, and Crystal Stephens, Assistant Payments Worker.

ISSUE

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

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Petitioner applied for SER for assistance with a security deposit to relocate to a new home, part of the Housing Choice Voucher Program (formerly known as Section 8 housing).
2. Petitioner is a group size of two, consisting of her minor child and herself.
3. On September 12, 2023, MDHHS issued an Application Notice to Petitioner, informing her that her SER application was denied for failure to provide proof of a court summons, order, or judgment (Exhibit A, pp. 7-8).
4. On September 18, 2023, MDHHS received Petitioner's timely submitted hearing request, disputing the denial of her SER application (Exhibit A, pp. 2-4).

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.

Petitioner applied for SER assistance, specifically funds for a security deposit for a Housing Choice Voucher Program home. Petitioner's application was denied for failure to provide proof of a court summons, order, or judgment.

SER assists individuals and families to resolve or prevent homelessness by providing money for rent, security deposits, and moving expenses. The amount issued by MDHHS must resolve the group's shelter emergency. MDHHS may authorize any combination of moving expenses (to relocate household effects), security deposit (if required), first month's rent, and rent arrearage. ERM 303 (October 2022), p. 1. Relocation services may only be authorized if the following circumstances exist, and all other SER criteria met:

- The SER group is homeless, meaning that there is no housing for the group to return to.
- The SER group is at risk of homelessness. Persons at imminent risk of homelessness must provide a court summons, order or judgment resulting from an eviction action.
- The SER group meets the eligibility requirements for a homeless assistance programs.

ERM 303, pp. 1-3.

MDHHS must verify documentation of need that the SER group is eligible for relocation services. A MDHHS services worker or MDHHS specialist, with supervisory approval, must determine the family must be relocated from unsafe housing for the protection of the children. ERM 303, p. 3. MDHHS must verify that the current rental unit is unsafe structurally or is otherwise a threat to the health and safety of the family. ERM 303, p. 6.

In this case, Petitioner credibly testified that she and her young daughter lived in an apartment until November 2022. Petitioner was forced to leave the apartment building after it was severely damaged and vandalized and no longer safe for her daughter and herself. Since November 2022, Petitioner has been homeless and relying upon friends and family for temporary housing. Petitioner testified that this remains unsafe for her daughter as the houses are not guaranteed for child safety and are temporary.

Petitioner credibly testified that she misunderstood the question of “homeless” on the SER application, interpreting “homeless” to mean living on the street without any shelter. Petitioner credibly explained that she has no home and must rely on her mother’s mailing address but is able to move into Section 8 housing if she is able to pay for the security deposit. Petitioner is at risk of homelessness due to the unsafe housing that her child live in. Petitioner seeks SER relocation assistance to move her family to safe housing. MDHHS denied Petitioner’s SER application, stating that she did not provide proof of a court summons, order or judgment resulting from an eviction action. However, no evidence was presented that MDHHS evaluated whether Petitioner’s current living situation is a threat to the health and safety of the family, for the protection of Petitioner’s child. MDHHS is required to evaluate whether Petitioner meets any criteria, as discussed, to receive SER, not just whether she is facing eviction action. Therefore, MDHHS has failed to satisfy its burden of showing that it acted in accordance with Department policy when it denied Petitioner’s SER application.

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 SER application for failure to submit proof of court summons, order or judgment resulting from an eviction action.

DECISION AND ORDER

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. Reprocess Petitioner’s SER application and evaluate Petitioner’s eligibility in accordance with this decision;
2. If Petitioner is eligible for benefits, issue supplements to Petitioner for any SER benefits she was eligible to receive but did not from the application date ongoing;
3. Notify Petitioner of its decision in writing.

DN/mp



Danielle Nuccio

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 :

Interested Parties

MDHHS-Wayne-15-Greydale-Hearings
E. Holzhausen
J. McLaughlin
MOAHR
BSC4

Via-First Class Mail :

Petitioner

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