



GRETCHEN WHITMER
GOVERNOR

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

MARLON BROWN
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: June 28, 2024
MOAHR Docket No.: 24-004439
Agency No.: [REDACTED]
Petitioner: [REDACTED] [REDACTED] [REDACTED]

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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 May 29, 2024, from Lansing, Michigan. The Petitioner was represented by [REDACTED] [REDACTED] Housing Support Specialist, Authorized Hearing Representative (AHR). [REDACTED] [REDACTED] [REDACTED] the Petitioner, was present. The Department of Health and Human Services (Department) was represented by Amber Gibson, Hearing Facilitator (HF).

During the hearing proceeding, the Department's Hearing Summary packet was admitted as Exhibit A, pp. 1-22.

ISSUES

Did the Department properly determine Petitioner's eligibility for State Emergency Relief (SER) for the September 20, 2023 SER application?

Did the Department properly determine Petitioner's eligibility for SER for the March 1, 2024 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. Petitioner had an open benefits case with the Department in Wayne County, MI.
2. On September [REDACTED] 2023, Petitioner applied for SER for assistance with a \$ [REDACTED] security deposit. Petitioner attempted to file the application with the Ingham County Department office. (Exhibit A, p. 3; Petitioner, AHR, and HF Testimony)

3. The Wayne County Department office did not process the September ■ 2023 application or transfer Petitioner's case to Ingham County at that time. (HF Testimony)
4. On October ■ 2023, Petitioner moved into the apartment based on the landlords understanding that the September ■ 2023 SER application would be processed. (Exhibit A, p. 3; Petitioner and AHR Testimony)
5. On January ■ 2024, the Wayne County Department transferred Petitioner's case to Ingham County. (HF Testimony)
6. In late January 2024, Petitioner was advised to submit another application for SER. (Exhibit A, p. 3)
7. On March ■ 2024, Petitioner applied for SER for assistance with a \$ ■ security deposit. (Exhibit A, pp. 5-17)
8. On March ■ 2024, a SER Decision Notice was issued to Petitioner denying the March ■ 2024 SER application because Petitioner did not have an emergency. (Exhibit A, pp. 18-22; HF Testimony)
9. On April 5, 2024, Petitioner filed a hearing request contesting the Department's failure to act on the September 20, 2023 application and the recent denial determination. (Exhibit A, pp. 3-4)

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.

Applicants may file an application for SER in any county in Michigan. Applications may be transferred between counties if it is in the best interest of the applicant. Both counties must mutually agree to the transfer. ERM 103, October 1, 2022, p. 1.

Applications must be registered within one day of receipt. Online applications will be sent electronically to a registration inbox for proper assignment. Emailed applications are not acceptable. Accept and register a SER application if the following information is provided:

applicant name; address or statement of homelessness; birthdate; applicant's or authorized representative's signature. ERM 103, October 1, 2022, p. 2.

Requests for SER become an application on the day the application is received by the Department. For electronic applications submitted through MI Bridges, the application date is determined based on the time and date of submission. Any application submitted after 5:00 pm or on a non-business day will have an application date of the next business day. ERM 103, October 1, 2022, p. 2.

Inform all SER applicants in writing of the decision made on their application. Mail or give the DHS-1419, Decision Notice, to the applicant. ERM 103, October 1, 2022, p. 4.

The SER standard of promptness is 10 business days, beginning with the date the signed SER application is received in the local office. The case record must include documentation for any delay in processing the application beyond the standard of promptness. ERM 103, October 1, 2022, p. 5.

SER assists individuals and families to resolve or prevent homelessness by providing money for rent, security deposits, and moving expenses. ERM 303, October 1, 2022, p., 1.

ERM 303 addresses eligibility requirements for relocation services:

ELIGIBILITY REQUIREMENTS

Authorize relocation services only if one of the following circumstances exists and all other SER criteria are met.

- The SER group is homeless. The definition of homelessness for SER means that there is no housing that the group can return to. To be considered homeless, the SER group must meet one of the following criteria:
 - Has a primary night-time residence that is a public or private place not meant for human habitation, (the group is sleeping in a car or on the streets).
 - Is living in an emergency shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels).
 - Is exiting an institution where (s)he has resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution.
- The SER group is at risk of homelessness
Note: Groups who voluntarily left their home, but can return without a threat to their health or safety, are not homeless.
- The SER group meets the eligibility requirements for one of the following homeless assistance programs:

- Family Re-Housing Program (replaces Rapid Re-Housing Initiative which ended 5/31/2015) effective 10/1/2015.
- Rural Homeless Permanent Supportive Housing Initiative (RPSH).
- **Note:** Update the Living Arrangement screen in Bridges to reflect the appropriate homeless assistance program.

ERM 303, October 1, 2022, pp. 1-2.

ERM 303 addresses documentation of need:

DOCUMENTATION OF NEED

Persons who are homeless; living in an emergency shelter, on the street, in a car or place unfit for human habitation must provide a written observation by an outreach worker, written referral by another service provider, or a written statement from the head of household stating that the SER group is living on the streets. Verification from an outreach worker or service provider must be on official letterhead, signed and dated.

Persons eligible for one of the homeless assistance programs listed above must have a written referral by the service provider verifying that the SER group is eligible for the program. The verification must be on agency letterhead with the homeless assistance program identified, signed and dated.

Persons at imminent risk of homelessness must provide a court summons, order or judgment resulting from an eviction action.

ERM 303, October 1, 2022, p. 3.

In this case, the evidence indicates that the Department failed to process Petitioner's September ■ 2023 SER application. Petitioner and his AHR indicated they attempted to file the application with the Ingham County Department office. (Exhibit A, p. 3; Petitioner and AHR Testimony). The HF indicated the application was registered and assigned to Wayne County because Petitioner had an open benefits case in Wayne County at that time. The Wayne County Department office did not process the September ■ 2023 application or transfer Petitioner's case to Ingham County at that time. Petitioner's open benefit case was not transferred to Ingham County until January ■ 2024. The September ■ 2023 SER application was never processed. (HF Testimony). Accordingly, the Department has not acted in accordance with Department policy by failing to process the September ■ 2023 SER application.

The evidence indicates the Department properly denied the March ■ 2024 SER application. On March ■ 2024, Petitioner applied for SER for assistance with a \$■■■■ security deposit. (Exhibit A, pp. 5-17). However, Petitioner had moved into the apartment on October ■ 2023, based on the landlords understanding that the September ■ 2023

SER application would be processed. (Exhibit A, p., 3; Petitioner and AHR Testimony). Accordingly, at the time of the March █ 2024 application Petitioner was not homeless and was not at imminent risk of homelessness because he was not facing eviction. On March █ 2024, SER Decision Notice was issued to Petitioner denying the March █ 2024 SER application because Petitioner did not have an emergency. (Exhibit A, pp. 18-22; HF Testimony).

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 March 1, 2024 SER application but did not act in accordance with Department policy when it failed to process Petitioner's September 20, 2023 SER application.

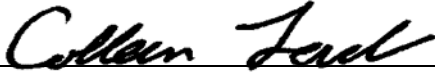
DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED IN PART** with respect to the denial of the March 1, 2024 SER application and **REVERSED IN PART** with respect to failure to process the September 20, 2023 SER application.

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. Process Petitioner's September █ 2023 SER application in accordance with Department policy.

CL/dm



Colleen Lack
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
Amber Gibson
Ingham County DHHS
MDHHS-Ingham-
Hearings@michigan.gov

McLaughlinJ

HolzhausenE

BSC2HearingDecisions

Via-First Class Mail :

MOAHR
Petitioner
[REDACTED]
[REDACTED]
[REDACTED]
Authorized Hearing Rep.

[REDACTED]
[REDACTED]
[REDACTED]