



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: April 17, 2018
MAHS Docket No.: 18-001288
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Amanda M. T. Marler

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 April 16, 2018, from Detroit, Michigan. The Petitioner was self-represented. The Department of Health and Human Services (Department) was represented by [REDACTED], Pathways to Potential Worker.

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 January 22, 2018, Petitioner submitted an SER application and Demand for Possession for Nonpayment of Rent to the Department seeking assistance with back rent.
2. On January 26, 2018, the Department issued an Application Notice informing Petitioner she was not eligible for SER assistance because she had not provided proof of a court summons, order, or judgement.
3. On January 21, 2018, Petitioner submitted a hearing request disputing the denial of SER assistance.

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, the Department denied Petitioner's SER application because she failed to provide a court summons, order, or judgment showing her emergency related to nonpayment of rent.

SER prevents serious harm to individuals and families and assists applicants with safe, decent, affordable housing and other essential needs when an emergency situation arises. ERM 101 (March 2013), p. 1. In order for assistance to be provided, applicants must have an emergency which threatens health or safety and can be resolved through issuance of SER. *Id.* Persons at imminent risk of homelessness must provide a court summons, order, or judgment resulting from an eviction action to show their emergency/need. ERM 303 (October 2017), p. 3. Petitioner admits that she has never provided a document signed by a judge regarding her housing situation. The only document she has provided to the Department is a Demand for Possession. A Demand for Possession is not signed by a judge, it is not a summons to court, nor is it a judgment or order of eviction. The Demand for Possession simply puts a tenant on notice that if the tenant does not pay rent or move out within seven (7) days, the landlord may take action in court to evict the tenant. Since the Demand for Possession does not meet the requirements as set forth by ERM 303 and Petitioner provided no other documentation to the Department, the Department properly denied Petitioner's application for SER.

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.

DECISION AND ORDER

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



AM/

Amanda M. T. Marler
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

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 Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS 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. MAHS will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088; Attention: MAHS Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

DHHS

[REDACTED]
[REDACTED]

Petitioner

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
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