



RICK SNYDER  
GOVERNOR

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

SHELLY EDGERTON  
DIRECTOR

[REDACTED]  
MI [REDACTED]

Date Mailed: August 30, 2018  
MAHS Docket No.: 18-007772  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Jeffrey Kemm

**HEARING DECISION**

Following Petitioner's July 24, 2018, request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on August 29, 2018, from Lansing, Michigan. Petitioner, [REDACTED] appeared and represented herself. Petitioner did not have any additional witnesses. Corlette Brown, Hearing Facilitator, appeared and represented the Department. The Department did not have any additional witnesses.

One exhibit was admitted into evidence during the hearing. An 8-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 request for SER?

**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] 2018, Petitioner applied for SER to get assistance with her rent payments while she was waiting for the Social Security Administration to determine her disability claim.
2. At the time Petitioner applied for SER, Petitioner was behind on her rent for July 2018 but had not received an eviction order from a court.
3. On July 19, 2018, the Department issued an Application Notice which denied Petitioner's request for SER because she had not provided proof of an emergency.
4. On [REDACTED] Petitioner filed a hearing request to dispute the denial.

### **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.

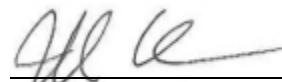
SER is intended to help address essential needs in emergency situations. ERM 101 (March 1, 2013), p. 1. In order to be eligible to receive SER, an emergency must exist. ERM 101, p. 1. Here, Petitioner applied for SER when she was behind on rent for one month. Petitioner had not received an eviction order before she applied for SER. The Department found that Petitioner's situation did not warrant SER because an emergency did not exist. Since Petitioner's housing was not at an immediate risk of loss at the time she applied for SER, the Department properly denied Petitioner's request for SER.

### **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 did act in accordance with its policies and the applicable law when it issued its July 19, 2018 notice which denied Petitioner's request for SER.

IT IS ORDERED the Department's Decision is AFFIRMED.

JK/nr



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Jeffrey Kemm  
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) 763-0155; 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**

LaClair Winbush  
8655 Greenfield  
Detroit, MI  
48228

Wayne 17 County DHHS- via electronic  
mail

BSC4- via electronic mail

T. Bair- via electronic mail

E. Holzhausen- via electronic mail

**Petitioner**

[REDACTED]  
MI