



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: July 21, 2020
MOAHR Docket No.: 20-003886
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: John Markey

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 July 20, 2020 from Detroit, Michigan. Petitioner appeared and represented himself. The Department of Health and Human Services (Department) was represented by Valarie Foley, Hearings Facilitator.

ISSUE

Did the Department properly deny Petitioner's [REDACTED] 2020 application for State Emergency Relief (SER) benefits?

FINDINGS OF FACT

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

1. In Spring 2020, Petitioner began to fall behind on his rent at his apartment.
2. On [REDACTED] 2020, Petitioner submitted to the Department an application for SER benefits to help in paying his rent in order to prevent eviction.
3. During an interview shortly after applying, Petitioner informed the Department that there existed no judgment, eviction order, or court summons regarding eviction.
4. On April 10, 2020, the Department issued to Petitioner a decision notice informing Petitioner that his application was denied.

5. On [REDACTED], 2020, Petitioner submitted to the Department a request for hearing objecting to the Department's denial of his 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).

In this case, Petitioner submitted an application for SER benefits to help catch up on his rent, which he had fallen behind on due to the COVID-19 pandemic. During the required follow-up interview with the Department, Petitioner informed the Department that he was not subject to any court order, summons, or judgment that would result in him becoming homeless. Rather, Petitioner stated that he wanted help catching up to avoid being subject to an eviction action whenever the moratorium on such actions expires. The Department denied Petitioner's application.

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 benefits are available to clients who have an emergency that threatens health or safety and can be resolved through issuance of SER. ERM 101 (March 2013), p. 1. Relevant to this matter, the Department provides SER to eligible clients who are at risk of homelessness to assist with paying rent arrearages. ERM 303 (November 2019), p. 1. Persons at imminent risk of homelessness must provide a court summons, order, or judgment resulting from an eviction action in order to be eligible. ERM 303, p. 3. A demand for possession for non-payment of rent or a notice to quit is not acceptable. ERM 303, p. 6.

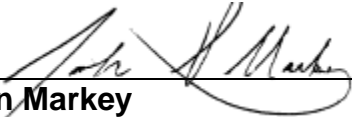
In order to receive SER assistance to prevent eviction, an applicant must be subject to a court summons, order, or judgment that will result in the applicant becoming homeless. Petitioner admitted both during the interview with the Department and at the hearing that he is not subject to any of those things. As a result, the Department properly denied Petitioner's application pursuant to ERM 303.

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 [REDACTED] 2020 SER application.

DECISION AND ORDER

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

JM/tm



John Markey
Administrative Law Judge
for Robert Gordon, 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 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

DHHS

Susan Noel
26355 Michigan Ave
Inkster, MI 48141

Petitioner

[REDACTED]
[REDACTED]
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cc: SER-T. Bair; Erich Holzhausen
AP Specialist-Wayne County