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GOVERNOR

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

ORLENE HAWKS
DIRECTOR

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Date Mailed: March 21, 2022
MOAHR Docket No.: 22-000384
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Jeffrey Kemm

HEARING DECISION

On January 19, 2022, Petitioner, ██████████, requested a hearing to dispute the Department's decision to deny her request for State Emergency Relief (SER). As a result, a hearing was scheduled to be held on March 16, 2022, pursuant to MCL 400.9 and Mich Admin Code, R 792.11002. Petitioner appeared at the hearing and represented herself. Respondent, Department of Health and Human Services (Department), had Amber Gibson, Hearing Facilitator, appear as its representative. Neither party had 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

Whether the Department properly denied 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. Petitioner requested SER from the Department for assistance with moving expenses.
2. Petitioner wants to move because she feels like she is being discriminated against at her current housing, and she feels like her housing is not safe.
3. Petitioner pays her rent, and eviction proceedings have not been initiated against her.
4. Petitioner is not homeless or at risk of homelessness.

5. The Department decided to deny Petitioner's request for SER because the Department determined that Petitioner did not have a housing emergency that required assistance.
6. On December 9, 2021, the Department mailed a notice to Petitioner to notify her that her request for SER was denied.
7. On January 19, 2022, Petitioner requested a hearing to dispute the Department's decision.

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 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. *Id.* In the case of housing, an emergency exists when the client is homeless or at risk of homelessness. ERM 303 (October 1, 2020), p. 1-2.

In this case, Petitioner requested SER for housing because Petitioner requested assistance for moving expenses. Based on the evidence presented, Petitioner was not homeless or at risk of homelessness. Thus, Petitioner did not have an emergency. Since Petitioner did not have an emergency, 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 properly denied Petitioner's request for SER.

