



GRETCHEN WHITMER
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: June 6, 2022
MOAHR Docket No.: 22-001829
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Ellen McLemore

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 June 2, 2022, from Detroit, Michigan. Petitioner was present and represented himself. The Department of Health and Human Services (Department) was represented by Ryan Clemons, Family Independence Manager and Veda Smith, Eligibility Specialist.

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 ██████████ 2022, Petitioner submitted an application for relocation services (Exhibit A, pp. 14-19).
2. On April 14, 2022, the Department completed an interview with Petitioner (Exhibit A, p. 5).
3. On April 14, 2022, the Department sent Petitioner a State Emergency Relief Decision Notice informing him that his SER application was denied (Exhibit A, pp. 7-9).
4. On ██████████, 2022, Petitioner submitted a request for hearing disputing the Department's actions.

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, Petitioner submitted an application for SER benefits for relocation services. Petitioner submitted a Notice to Quit to Recover Possession of Property (Exhibit A, pp. 12-13). On April 14, 2022, an interview was completed with Petitioner. Petitioner reported that he did not have a summons or a judgment from the court. As a result, the Department denied Petitioner's SER application.

SER assists individuals and families to resolve or prevent homelessness by providing money for rent, security deposits, and moving expenses. ERM 303 (October 2020), p. 1. The Department will only authorize services if one of the following conditions is met: (i) the SER group is homeless; (ii) the SER group is at risk of homelessness; or (iii) the SER group meets the eligibility requirements for certain homeless assistance programs. ERM 303, p. 2. Persons at imminent risk of homelessness must provide a court summons, order or judgment resulting from an eviction action. ERM 303, p. 3.

At the hearing, Petitioner conceded that at the time of the application for SER benefits, he had not been summoned to court for an eviction proceeding. Therefore, at the time of the application for benefits, Petitioner did not meet the definition of at risk of homelessness. Therefore, the Department acted in accordance with policy when it denied Petitioner's SER application.

At the hearing, Petitioner testified that since he submitted his request for hearing, he has attended court proceedings. Petitioner stated he has paid his past due rent, which remains in escrow. Petitioner testified that his landlord was refusing to accept payment. Petitioner reported that a trial date is set to determine if he will be evicted. Petitioner was advised that since his circumstances have changed since the filing of the hearing request, he can submit a new application for SER benefits.

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 acted in accordance with Department policy when it denied Petitioner's SER application. Accordingly, the Department's decision is **AFFIRMED**.

EM/tm



Ellen McLemore
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

Email Recipients:

MDHHS-Washtenaw-Hearings
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E. Holzhausen
BSC4
MOAHR

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