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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: August 8, 2022
MOAHR Docket No.: 22-002917
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Danielle Nuccio

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 hearing was held on August 3, 2022. The Petitioner appeared and represented himself. A representative from the Department of Health and Human Services (MDHHS) did not appear for the hearing and the hearing was held in the absence of the Department.

Petitioner agreed to the admission of the 18-page hearing packet submitted by MDHHS prior to the hearing. These documents were admitted into evidence as Exhibit A.

ISSUE

Did MDHHS 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 a SER application to prevent eviction.
2. On ██████████ 2022, MDHHS issued an Application Notice to Petitioner, informing him that his SER application was denied because he did not provide proof of a court summons, order, or judgment resulting from an eviction action (Exhibit A, pp. 15-16).
3. On July 5, 2022, Petitioner submitted a timely hearing request to MDHHS regarding the denial of his SER application (Exhibit A, pp. 3-4).

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.

Petitioner requested a hearing to dispute the denial of his SER application. A MDHHS representative did not participate in the hearing. The hearing summary prepared by MDHHS was read into the record, stating that

Client is requesting a hearing for SER Services. Mr. Reed applied for a SER to prevent eviction on [REDACTED] 2022. Client did not submit an eviction notice or state he had an eviction notice. Client submitted the Court Summons on 07/05/2022 stating that The Landlord doesn't want money but to evict. Client was informed that this changes the SER because now it would not be rent to prevent eviction but rent to relocate. Client stated on 07/13/2022 that he would withdraw from the hearing and reapply when he has another residence to relocate to. Exhibit 1: Application Eligibility Notice.

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. A client can receive relocation services only if the individual is homeless, meaning that there is no housing that the group can return to; that the SER group is at risk of homelessness; or that the SER group meets the eligibility requirements for a homeless assistance program identified in ERM 303. ERM 303, p. 2. Persons at imminent risk of homelessness must provide a court summons, order, or judgment resulting from an eviction action. A court summons, order, or judgment must be issued verifying that the SER group will become homeless prior to SER approval. ERM 303, p. 6.

MDHHS denied Petitioner's SER application for failure to provide proof of a court summons, order, or judgment resulting from an eviction action. Petitioner testified that he has a court date subsequent to this hearing, on August 16, 2022. Pending this court date, there is no order of eviction. Petitioner testified that he is still living at the location and has not sought new housing. Petitioner testified that his landlord is seeking eviction, not payment of unpaid rent. Without proof of eviction, Petitioner does not qualify for SER. Therefore, MDHHS acted in accordance with policy in denying Petitioner's

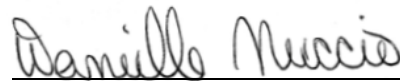
██████████ 2022 SER application. Petitioner was advised at the hearing that depending on the outcome of his future court date he can reapply for SER.

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 MDHHS acted in accordance with Department policy when it denied Petitioner's SER application.

DECISION AND ORDER

Accordingly, MDHHS' decision is **AFFIRMED**.

DN/mp



Danielle Nuccio
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

