



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], MI [REDACTED]

Date Mailed: August 15, 2022
MOAHR Docket No.: 22-003037
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, telephone hearing was held on August 11, 2022, from Lansing, Michigan. Petitioner represented herself. The Department was represented by AJ Evans.

ISSUE

Did the Department of Health and Human Services (Department) properly deny Petitioner's application for State Emergency Relief (SER) assistance?

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 filed a State Emergency Relief (SER) application requesting assistance avoiding eviction and with her water bill.
2. Petitioner submitted a Demand for Possession Nonpayment of Rent form to the Department. Exhibit A, p 10.
3. Petitioner submitted a water bill invoice showing a past due amount. Exhibit A, p 11.
4. On June 29, 2022, the Department notified Petitioner that her State Emergency Relief (SER) application had been denied. Exhibit A, pp 6-7.
5. On July 15, 2022, the Department received Petitioner's request for a hearing protesting the denial of State Emergency Relief (SER) assistance. Exhibit A, pp 4-5.

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 *et seq.* The Department administers the SER program pursuant to MCL 400.10 of the Social Welfare Act, MCL 400.1 *et seq.*, and Mich Admin Code, R 400.7000 through R 400.7049.

State Emergency Relief (SER) assists individuals and families to resolve or prevent homelessness by providing money for rent, security deposits, and moving expenses. Department of Health and Human Services Emergency Relief Manual (ERM) 303 (October 1, 2020), p 1.

Eligibility for SER assistance for relocation services requires verification of homelessness or potential homeless. ERM 303, p 6.

State Emergency Relief (SER) helps to restore or prevent shut off of a utility service specified in this item when service is necessary to prevent serious harm to SER group members. Department of Health and Human Services Emergency Relief Manual (ERM) 302 (October 1, 2021), p 1.

Eligibility for SER assistance for utility services such as water services requires verification of actual or possible shutoff of services. ERM 302, p 4.

Petitioner applied for SER assistance with avoiding eviction from her home and with paying her past due water bill. Petitioner failed to provide the Department with verification that she was facing eviction or shutoff of her water. Therefore, the Department notified her that she was not eligible for the SER assistance that she had applied for.


Petitioner is entitled to reapply for SER benefits at any time, but the hearing record supports a finding that she failed to establish her eligibility for assistance when she filed her application.

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 request for State Emergency Relief (SER) assistance.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/nr



Kevin Scully
Administrative Law Judge
Michigan Office of Administrative Hearings and
Rules (MOAHR)

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

Via-Electronic Mail :

DHHS
Barbara Hamilton
Lenawee County DHS
1040 South Winter Street
Ste. 3013
Adrian, MI 49221

Interested Parties
Lenawee County DHHS
BSC4
T. Bair
E. Holzhausen

Via-First Class Mail :

Petitioner
[REDACTED]
[REDACTED]
[REDACTED], MI [REDACTED]