



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: September 19, 2022
MOAHR Docket No.: 22-003568
Agency No.: ██████████
Petitioner: ██████████ ██████████ ██████████

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 September 14, 2022, from Lansing, Michigan. Petitioner was represented by himself. The Department was represented by Manoj Patel and Ahmed Elahrag.

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 applications for State Emergency Relief (SER) assistance on ██████████ 2022, and ██████████ ██████████ 2022.
2. On August 16, 2022, the Department received a copy of a Summons instructing him that his landlord had filed a complaint against him in district court. Exhibit A, p 14.
3. On August 16, 2022, the Department received a copy of a Complaint filed in district court by his landlord demanding payment of past due rent. Exhibit A, p 16.
4. On August 16, 2022, the Department received a copy of a Demand For Possession filed by his landlord in district court. Exhibit A, p 18.

5. On July 21, 2022, the Department notified Petitioner that he was not eligible for State Emergency Relief (SER) assistance. Exhibit A, p 9.
6. On July 28, 2022, the Department notified Petitioner that he was not eligible for State Emergency Relief (SER) assistance. Exhibit A, p 11.
7. On August 16, 2022, the Department received Petitioner's request for a hearing protesting the denial of State Emergency Relief (SER) assistance. Exhibit A, p 7.

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.

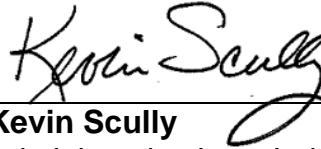
Applications for SER assistance must provide verification of homelessness. This verification includes eviction, judgment, or court order from last residence. A demand for possession non-payment of rent or notice to quit is not acceptable. ERM 303, p 6.

Petitioner applied a SER application requesting assistance to avoid homelessness. No evidence was presented on the record that Petitioner submitted verification of eviction, judgment, or court order to the Department. Therefore, Petitioner has failed to establish his eligibility for SER assistance, and the Department notified Petitioner in writing that he is not eligible for SER assistance.

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] [REDACTED] 2022, and [REDACTED] [REDACTED] 2022, applications for State Emergency Relief (SER) assistance.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.



KS/tm

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

Courtney Jenkins
Washtenaw County DHHS
22 Center Street
Ypsilanti, MI 48198
**MDHHS-Washtenaw-
Hearings@michigan.gov**

Interested Parties

T. Bair
E. Holzhausen
BSC4
MOAHR

Via-First Class Mail :

Petitioner

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