



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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██████, MI ██████

Date Mailed: December 20, 2022  
MOAHR Docket No.: 22-005332  
Agency No.: ██████████  
Petitioner: ██████████ ██████

**ADMINISTRATIVE LAW JUDGE:** Aaron McClintic

### **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 December 14, 2022, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by April Sprague Hearing Facilitator. Department Exhibit 1, pp. 1-81 was received and admitted.

### **ISSUE**

Did the Department properly deny Petitioner's State Emergency Relief (SER) application for rental 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. On ██████████ ██████ ██████ Petitioner applied for SER seeking assistance with outstanding utilities and rental assistance/eviction prevention.
2. On October 10, 2022, Petitioner paid \$640 to her landlord ██████ ██████ and ██████ and she submitted a receipt for that payment to the Department. (Ex. 1, p.46)
3. On October 11, 2022, a State Emergency Decision Notice was sent to Petitioner informing her that she was approved for utility assistance and denied for rental assistance. (Ex. 1, pp. 34-36)
4. On ██████████ ██████ ██████ Petitioner applied for SER seeking assistance with eviction prevention.

5. On October 18, 2022, a State Emergency Decision Notice was sent to Petitioner informing her that her application was denied because “Your shortfall amount (unmet required payments) is equal to or greater than amount needed to resolve the emergency.” (Ex. 1, pp. 53-55)
6. On October 25, 2022, a State Emergency Decision Notice was sent to Petitioner informing her that her application was approved with a co-payment of \$221.11 and a benefit of \$ [REDACTED] (Ex. 1, pp. 71-73)
7. On [REDACTED] [REDACTED] Petitioner requested hearing disputing the denial of SER.
8. Petitioner submitted a screen shot from MiBridges that shows Relocation SER, Your Payment \$633, MDHHS Payment \$ [REDACTED], Total \$ [REDACTED] and Benefit Period September 26, 2022 – October 25, 2022. (Ex. 1, p. 48)
9. The eviction action filed against Petitioner was conditionally dismissed. (Ex. 1, p.68)

### **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.

#### **Legal Notice**

A court summons, order, or judgment was issued which will result in the SER group becoming homeless. ERM 303

#### **Potentially Homeless**

A judgment, eviction order or court summons regarding eviction. (A demand for possession non-payment of rent or a notice to quit is not sufficient.) ERM 303

In this case, the Department’s position is that Petitioner should not have been approved for SER because the eviction action filed against her was conditionally dismissed and she was not facing a court ordered eviction as required under ERM 303. The Department asserted that the State Emergency Relief Notice issued on October 25, 2022, was in error because Petitioner was not facing eviction and income and rental payments were not verified.

Petitioner testified that MiBridges interfaced showed an approval as evidenced by the screenshot she provided, and she relied on that screenshot to make her payment to her landlord in anticipation of receiving the DHHS payment. Petitioner also points out that she received an approval from the Department on October 25, 2022, assuming that the Department corrected its previous incorrect denial. Petitioner testified that she submitted all documents requested of her and was given assurances that she was eligible.

The requirements for State Emergency Relief for rental assistance/ homeless prevention are clearly outlined in ERM 303. An applicant must be facing a court ordered eviction. An eviction action was filed against Petitioner, but that action was conditionally dismissed and was not pending at the time of any of Petitioner's SER applications. Petitioner was not facing a court ordered eviction at the time of her SER applications and therefore she was not eligible for SER for rental assistance/homeless prevention. ERM 303


It is unclear why MiBridges would show Petitioner as being eligible for SER and generate a co-payment amount and MDHHS payment amount, as reflected in the screen shot submitted by Petitioner. (Ex. 1, p.68) It is unclear why the Department would have issued a State Emergency Relief Notice on October 25, 2022, showing that Petitioner was eligible for SER when she did not meet the criteria. Those glitches or errors by the Department computer systems and perhaps errors by Department workers are not binding on the Department. When the Department went to process Petitioner's payment, the error was discovered, and the payment was not issued. That action was proper and correct and consistent with Department policy. ERM 303

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 for lack of need because there was no pending eviction.

### **DECISION AND ORDER**

Accordingly, the Department's decision is **AFFIRMED**.

AM/nr

  
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Aaron McClintic  
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

**Via-Electronic Mail :**

**DHHS**

Janice Collins  
Genesee County DHHS Union St  
District Office  
125 E. Union St 7th Floor  
Flint, MI 48502

**MDHHS-Genesee-UnionSt-  
Hearings@michigan.gov**

**Interested Parties**

Genesee Union St. County DHHS  
BSC2  
K. Schulze  
E. Holzhausen  
MOAHR

**Via-First Class Mail :**

**Petitioner**

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