



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: January 13, 2023  
MOAHR Docket No.: 22-005778  
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 January 11, 2023, from Detroit, Michigan. Petitioner was unrepresented. The Department of Health and Human Services (Department) was represented by Candice Benns, Hearing Facilitator.

### **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 SER benefits for assistance with her security deposit (Exhibit A, pp. 7-17).
2. On December 1, 2022, Petitioner took occupancy of her new residence.
3. On December 5, 2022, the Department sent Petitioner an application notice informing her that her SER application was denied, as the emergency had been resolved (Exhibit A, pp. 18-20).
4. On December 7, 2022, Petitioner submitted a request for hearing disputing the Department's actions.

5. On December 13, 2022, the Department received communication from Petitioner's landlord verifying that she took occupancy on December 1, 2022, but the security deposit had not been paid (Exhibit A, p. 22).

### **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 on [REDACTED], 2022, for assistance with relocation services. Petitioner was requesting assistance with the security deposit at her new residence. On December 5, 2022, the Department denied Petitioner's application. The Department discovered that Petitioner had already taken occupancy of her new residence on December 1, 2022. The Department determined that Petitioner had resolved her emergency.

State Emergency Relief (SER) assists individuals and families to resolve or prevent homelessness by providing money for rent, security deposits, and moving expenses. ERM 303 (October 2015), p. 1. Certain conditions must be met before SER can be issued to help individuals and families. ERM 103 (January 2018), p. 3. Prior written or oral approval must be given by an authorized Department staff person before SER issuance. ERM 103, p. 3. The SER payment must resolve the emergency. ERM 103, p. 3. The Department will not issue SER to reimburse expenses incurred or paid without Department approval. ERM 103, p. 3.

The Department presented a written communication from Petitioner's landlord stating that she had taken occupancy as of December 1, 2022. However, the email indicates that Petitioner had not yet paid the security deposit. At the hearing, Petitioner testified that she still had not paid the security deposit and that her landlord was still seeking payment. Petitioner's occupancy does equate to her emergency being resolved. If Petitioner does not pay the security deposit, she is still at risk of homelessness. Therefore, the Department did not act in accordance with policy when it denied Petitioner's SER application.

**DECISION AND ORDER**

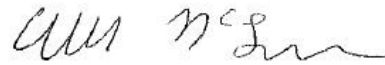
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department did not act in accordance with Department policy when it denied Petitioner's SER application.

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

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reinstate and reprocess Petitioner's [REDACTED], 2022 application;
2. If Petitioner is eligible for SER benefits, issue payments in accordance with Department policy; and
3. Notify Petitioner of her decision in writing.

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**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

**Via-Electronic Mail :**

**DHHS**  
Tracy Felder  
Wayne-Southwest-DHHS  
2524 Clark Street  
Detroit, MI 48209  
**MDHHS-Wayne-41-  
Hearings@michigan.gov**

**Interested Parties**  
SER  
E. Holzhausen  
BSC4

**Via-First Class Mail :**

**Petitioner**

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