



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ORLENE HAWKS  
DIRECTOR

[REDACTED]  
[REDACTED]  
MI [REDACTED]

Date Mailed: March 17, 2023  
MOAHR Docket No.: 23-000109  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Colleen Lack**

### **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 February 16, 2023, from Lansing, Michigan. [REDACTED] the Petitioner, appeared on her own behalf. The Department of Health and Human Services (Department) was represented by Kaylie Polk, Eligibility Specialist (ES).

During the hearing proceeding, the Department's Hearing Summary packet was admitted as Exhibit A, pp. 1-31; a copy of an email Petitioner submitted to the Department on January 19, 2023 was admitted as Exhibit B, p. 1; and Petitioner's additional documentation, with a response from the Department, was admitted as Exhibit 1, pp. 1-4.

### **ISSUE**

Did the Department properly deny Petitioner's application for State Emergency Relief (SER) benefits?

### **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 [REDACTED] 2022, Petitioner applied for SER for assistance with rent and security deposit to relocate. (Exhibit A, pp. 8-11)
2. On [REDACTED] 2022 the Department determined that the shelter was not affordable because Petitioner had no income at the time of application. SER policy requires that that total housing obligation cannot exceed 75 percent of the group's total net countable income. (Exhibit A, p. 2; ES testimony)

3. On [REDACTED] 2022, a State Emergency Relief Decision Notice was issued to Petitioner stating SER was denied because the shelter was not affordable according to SER requirements. (Exhibit A, pp. 12-14)
4. On [REDACTED] 2022, Petitioner submitted verification of first month's rent and security deposit costs. (Exhibit A, p. 17)
5. On December 15, 2022, a Verification of Employment form was submitted indicating new employment at Express Employment. Verification of income was not included. (Exhibit A, pp. 18-20)
6. On December 20, 2022, verification of income for Petitioner was submitted but it did not include the employer's name. (Exhibit A, p. 21)
7. On December 22, 2022, the Department was able to verify Petitioner's income from employment with Express Employment with a report from The Work Number. The Department reprocessed the December 2, 2022 SER application. (Exhibit A, pp. 2 and 22-26)
8. On [REDACTED] 2022, a State Emergency Relief Decision Notice was issued to Petitioner stating SER was approved and Petitioner had a copay of [REDACTED] for security deposit and [REDACTED] for rent due [REDACTED] 2022. (Exhibit A, pp. 27-29)
9. On [REDACTED] 2023, Petitioner contacted the Department and reported she had provided verification of paying the copayments by email on [REDACTED] 2022. (Exhibit A, p. 2; ES Testimony)
10. The Department did not find any email from Petitioner from on/around December 28, 2022. (Exhibit A, p. 2; ES Testimony)
11. On January 6, 2023, the Department denied SER based on a failure to submit verification of paying the copayments. (Exhibit A, p. 2; ES Testimony)
12. [REDACTED] 2023, Petitioner requested a hearing contesting the SER denial and included proposed verification dated December 28, 2022 of paying the copayments. (Exhibit A, pp. 4-6 and 30)

### **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.

SER can assist with relocation services, including money for rent and security deposits. ERM 303, October 1, 2022, pp. 1-7. Department policy regarding housing affordability can be found in ERM 207, October 1, 2020, pp. 1-3.

Pursuant to ERM 103:

If the SER group meets all eligibility criteria but has an income or asset copayment, shortfall, and/or contribution, do not issue payment until the client provides proof that their payment has been made. If another agency is making the payment, proof that payment will be made is required. Verification of payment must be received in the local office within the 30-day eligibility period or no SER payment will be made, and the client must reapply. Use the DHS1419, Decision Notice, to inform the SER group of the amount they must pay and the due date for returning proof of their payment.

ERM 103, October 1, 2022, p. 4.

The application date is the first day of the 30-day SER eligibility period. ERM 103, October 1, 2022, p. 2.

In this case, Petitioner's application for SER was ultimately approved. On [REDACTED] 2022, a State Emergency Relief Decision Notice was issued to Petitioner stating SER was approved and Petitioner had a copay of [REDACTED] for security deposit and [REDACTED] for rent due [REDACTED] 2022. (Exhibit A, pp. 27-29).

However, the Department did not issue payment because they had not received verification that Petitioner paid her copayments. (Exhibit A, p. 2; ES Testimony).

On [REDACTED], 2023, Petitioner contacted the Department and reported she had provided verification of paying the copayment by email on [REDACTED] 2022. (Exhibit A, p. 2; ES Testimony). The Department did not find any email from Petitioner from on/around December 28, 2022. (Exhibit A, p. 2; ES Testimony).

On J [REDACTED] 2023, Petitioner provided proposed verification of an email dated [REDACTED] 2022 containing the [REDACTED] 2022 verification that she paid the copayments. It is noted that the proposed verification does not show the to/from email addresses for the [REDACTED] 2022 email and the photo of what appears to be the [REDACTED] 2022 letter verifying Petitioner paid the copayments is not clear. (Exhibit B, p. 1).


On [REDACTED] 2023, Petitioner provided a clear copy of the proposed verification of an email dated [REDACTED] 2022 containing the [REDACTED] 2022 verification that she paid the copayments. However, the screen shots indicate that Petitioner sent the emails to the Department using a "~" rather than "-" in the email address. (Exhibit 1, pp. 1-4). Accordingly, the [REDACTED] 2022 email was not sent to a valid email address for the Department. Therefore, the Department did not receive verification that Petitioner paid the copayments until they received the copy submitted with her hearing request on January 9, 2023. This was after the 30-day SER eligibility period, which started on the December 2, 2022 application date.

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 application for SER.

**DECISION AND ORDER**

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

CL/ml

  
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**Colleen Lack**  
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**  
Kim Cates  
Bay County DHS  
1399 W. Center Road  
Essexville, MI 48732  
**MDHHS-Bay-Hearings@michigan.gov**

**Interested Parties**  
BSC2  
E Holzhausen  
K Schulze  
MOAHR

**Via First Class Mail :**

**Petitioner**  
[REDACTED]  
[REDACTED]  
[REDACTED] MI [REDACTED]