



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: April 7, 2023
MOAHR Docket No.: 23-000468
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 March 9, 2023, from Lansing, Michigan. The Petitioner was represented by [REDACTED], Sister and Power of Attorney. The Department of Health and Human Services (Department) was represented by Sara Estes, Hearing Facilitator.

During the hearing proceeding, the Department's Hearing Summary packet was admitted as Exhibit A, pp. 1-20.

ISSUE

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

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 filed an Assistance Application for SER requesting assistance paying rent. (Exhibit A, pp. 7-16)
2. On January 4, 2023, the Department spoke with Petitioner and confirmed that he is seeking long term assistance with covering rent due to his fixed income. The Department explained that that they cannot assist unless Petitioner is homeless or at risk of homelessness, therefore he would be denied SER. (Exhibit A, p. 17)

3. On January 4, 2023, an Application Notice was issued denying SER because Petitioner had not provided proof of an emergency that threatens health or safety that could be resolved through issuance of SER. (Exhibit A, pp. 19-20)
4. On January 23, 2023, a hearing request was filed on Petitioner's behalf contesting the denial. (Exhibit A, pp. 5-6)

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 prevents serious harm to individuals and families. SER assists applicants with safe, decent, affordable housing and other essential needs when an emergency situation arises. ERM 101, March 1, 2013, p. 1. Requirements for SER include having an emergency which threatens health or safety and can be resolved through issuance of SER. ERM 101, p. 1.

SER for assistance with rent to resolve or prevent homelessness is only available when certain circumstances exist and all other SER criteria are met. The SER group must be homeless or at risk of homelessness. ERM 303, October 1, 2022, pp. 1-2.

SER covered services regarding rent only include the first month's rent and rent arrearage. The SER issuance amount must resolve the group's shelter emergency. ERM 303, p. 1.

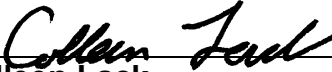
In this case, Petitioner was seeking long term assistance with rent. However, SER does not provide long term assistance with rent as indicated in the above cited ERM 303 policy. Further, it was uncontested that Petitioner was not homeless or at risk of homeless when the [REDACTED] 2022 application was filed. During the hearing, Petitioner's sister indicated that Petitioner was currently paying rent for the home he is renting from her and that Petitioner is looking for a long term solution.

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



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

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

BSC2
E Holzhausen
J McLaughlin
MOAHR

Via First Class Mail :

Authorized Hearing Rep.

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Petitioner

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