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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: April 19, 2023
MOAHR Docket No.: 23-000872
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 hearing was held via telephone conference line on April 13, 2023. Petitioner appeared and was represented. Marie Reimers of Lakeshore Legal Aid participated as Petitioner's attorney. The Michigan Department of Health and Human Services (MDHHS) was represented by Dawn Burnett, supervisor, and Kinosha Collins, specialist.

ISSUE

The issue is whether MDHHS properly denied 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 November 21, 2022, Petitioner submitted to MDHHS a summons for an upcoming court date concerning eviction. Petitioner additionally submitted a corresponding Complaint and Notice to Quit.
2. On ██████████ 2022, Petitioner applied for SER seeking assistance with rent arrearage.
3. On December 9, 2022, MDHHS denied Petitioner's SER application due to lacking a court ordered eviction notice.
4. On February 9, 2023, Petitioner requested a hearing to dispute the denial of SER.

CONCLUSIONS OF LAW

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 policies are contained in the Emergency Relief Manual (ERM).

Petitioner requested a hearing to dispute the denial of an SER application. Exhibit A, pp. 3-6. Petitioner applied for SER on [REDACTED] 2022, seeking assistance with a rent arrearage.¹ A State Emergency Relief Decision Notice dated December 9, 2022, stated that Petitioner was not eligible for SER due to not having a “court ordered eviction notice”. Exhibit A, pp. 11-13.

SER-Relocation assists individuals and families to resolve or prevent homelessness by providing money for rent, security deposits, and moving expenses. ERM 303 (October 2022) p. 1. MDHHS is to authorize SER-Relocation only if one of the following circumstances exists and all other SER criteria are met: the SER group is homeless, the SER group is at risk of homelessness (i.e., potentially homeless), or the SER group meets the eligibility requirements for homeless assistance programs.² *Id.*, pp. 1-2. Documentation of need is met by a court summons, order, or judgment. *Id.*, p. 3. Potential homelessness can be verified by a court summons, order, or judgment. *Id.*, p. 6.

It was not disputed that Petitioner submitted to MDHHS on November 21, 2022, a summons for an upcoming court date. Exhibit A, p. 8. Petitioner additionally submitted to MDHHS the corresponding Notice to Quit and Complaint listing a rent arrearage of \$1,245.30. Exhibit A, pp. 9-10.

MDHHS contended that SER-Relocation was properly denied because Petitioner had not yet received an eviction judgment. Though a judgment from a court can verify potential homelessness, so does the summons submitted by Petitioner.

Given the evidence, MDHHS improperly denied Petitioner’s SER application. As a remedy, MDHHS will be ordered to reprocess Petitioner’s application.

¹ Petitioner’s hearing request referenced three SER applications. During the hearing, Petitioner’s attorney agreed that only the most recent SER application denial was disputed.

² Homeless assistance programs include the Family Re-Housing Program and the Rural Homeless Permanent Supportive Housing Initiative.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS improperly denied Petitioner's SER application for relocation services dated [REDACTED] 2022. It is ordered that MDHHS commence the following actions within 10 days of the date of mailing of this decision:

- (1) Reregister Petitioner's SER application dated [REDACTED] 2022;
- (2) Reprocess Petitioner's SER application subject to the finding that Petitioner's court summons verified potential homelessness.

The actions taken by MDHHS are **REVERSED**.

CG/mp



Christian Gardocki
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
MDHHS-Wayne-76-Hearings
E. Holzhausen
J. Mclaughlin
MOAHR
BSC4

Via-First Class Mail :

Counsel for Petitioner

[REDACTED]
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Petitioner

[REDACTED]
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[REDACTED] MI [REDACTED]