



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: May 26, 2023  
MOAHR Docket No.: 23-001740  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Zainab A. Baydoun**

### **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 April 26, 2023, from Detroit, Michigan. Petitioner appeared for the hearing and was represented by his attorney Ann Markey. The Department of Health and Human Services (Department) was represented by Candice Benns, Hearing Facilitator.

At the commencement of the hearing, the Department requested an adjournment of the scheduled hearing. For the reasons identified on the record, the Department's adjournment request was denied, as good cause was not established to adjourn the hearing.

### **ISSUE**

Did the Department properly deny Petitioner's applications 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 or around [REDACTED] 2022, Petitioner submitted an application requesting SER assistance with rent to prevent eviction. On the application, Petitioner indicated that the amount requested for SER assistance was \$730. (Exhibit A, pp. 21-22)

2. With the [REDACTED] 2022, SER application, Petitioner submitted a Complaint Nonpayment of Rent Landlord Tenant filed with the 36<sup>th</sup> Judicial District Court as well as a Summons. (Exhibit A, pp. 24-25)
3. On or around [REDACTED] 2023, the Department sent Petitioner an Application Notice, advising Petitioner that his request for SER assistance with rent to prevent eviction was denied because he has failed to provide proof of a court summons, order, or judgment. (Exhibit A, p. 23)
4. On or around [REDACTED] 2023, Petitioner submitted a second application requesting SER assistance with rent to prevent eviction. On the application, Petitioner indicated that the amount requested for SER assistance was \$1,200. (Exhibit A, pp. 26-27)
5. On or around February 24, 2023, the Department sent Petitioner an Application Notice, advising Petitioner that his request for SER assistance was denied because he withdrew or failed to complete the application process. (Exhibit A, p. 28)
6. On or around March 28, 2023, Petitioner requested a hearing disputing the Department's denial of his SER applications.

### **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 disputed the Department's denial of both the [REDACTED] 2022, and [REDACTED] 2023, SER applications requesting rent to prevent eviction.

SER assists individuals and families to resolve or prevent homelessness by providing money for rent (first month or rent arrearage), security deposits (if required), and moving expenses (to relocate household effects). ERM 303 (October 2022), pp. 1-2. As documentation of need, persons at risk of homelessness must provide a court summons, order, or judgment resulting from an eviction action to establish that the SER group is at risk of becoming homeless. ERM 303, p.3. The Department may consider the verification sources outlined in ERM 303 to verify the need amount. ERM 303, p. 5.

The Department representative asserted that both of Petitioner's SER applications were denied because he failed to submit a judgment showing the amount needed for his SER to prevent eviction. However, a review of the January 13, 2023, Application Notice shows that Petitioner's [REDACTED] 2022, SER application was denied because the Department determined that Petitioner did not provide proof of a court summons, order, or judgment. It was established that with his [REDACTED] 2022, SER application, Petitioner did provide the Department with a court complaint and summons. There was no evidence presented that Petitioner failed to verify the amount needed to resolve the emergency or that the Department requested that Petitioner verify the need amount in writing through a verification checklist or other documentation. Additionally, with respect to the [REDACTED] 2023, SER application, a review of the February 24, 2023, Application Notice indicates that the application was denied because Petitioner withdrew or failed to complete the application process. The Department failed to present any evidence that Petitioner withdrew his [REDACTED] 2023, SER application or that he otherwise failed to complete the application process.

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 [REDACTED] 2022, and [REDACTED] 2023, SER applications.


### **DECISION AND ORDER**

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. Reprocess Petitioner's [REDACTED] 2022, and [REDACTED] 2023, SER applications requesting rent to prevent eviction;
2. Supplement Petitioner and/or his landlord/SER provider for any SER benefits that he was eligible to receive but did not from the application dates, ongoing; and
3. Notify Petitioner and his attorney/Authorized Hearing Representative in writing of its decision.

ZB/ml

  
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**Zainab A. Baydoun**  
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**

BSC4  
M Schaefer  
EQAD  
MOAHR

**Via First Class Mail:**

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**Petitioner**

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