



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
SUZANNE SONNEBORN
EXECUTIVE DIRECTOR

MARLON I. BROWN, DPA
ACTING DIRECTOR

[REDACTED]
[REDACTED], MI [REDACTED]

Date Mailed: November 17, 2023
MOAHR Docket No.: 23-006281
Agency No.: [REDACTED]
Petitioner: [REDACTED]

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 November 13, 2023. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by Destiney Vann, 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 [REDACTED] 2023, Petitioner applied for SER- Relocation seeking \$3,895 in moving expenses, first month rent, and security deposit.
2. On September 26, 2023, MDHHS denied Petitioner's SER application due to Petitioner not verifying a pending court date for eviction.
3. As of September 26, 2023, MDHHS did not request proof of a court date for eviction from Petitioner.
4. On September 27, 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 a denial of SER. Exhibit A, pp. 4-6. Petitioner applied for SER- Relocation on September 22, 2023, seeking a total of \$3,895 in rent, security deposit, and moving costs. Exhibit A, pp. 5-14. A State Emergency Relief Decision Notice dated September 26, 2023, stated Petitioner's application was denied due to not having a court ordered eviction notice. Exhibit A, pp. 15-19.

SER 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. This assistance falls under SER- Relocation. *Id.* MDHHS is to authorize relocation services 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, or the SER group meets the eligibility requirements for homeless assistance programs.¹ *Id.*, pp. 1-2.

The definition of homelessness for SER means that there is no housing that the group can return to. *Id.*, p. 2. Risk of homelessness can be verified by a judgment, eviction order, or court summons regarding eviction. *Id.*, p. 6.²

For all SER applications, clients must be informed of all verifications that are required and where to return verifications. ERM 103 (October 2022) p. 6. MDHHS is to use the DHS-3503, SER Verification Checklist, to request verification and to notify the client of the due date for returning the verifications. *Id.* The due date is eight calendar days beginning with the date of application. *Id.* If the application is not processed on the application date, the deadline to return verification is eight calendar days from the date verification is requested. *Id.*

Petitioner testified she was undergoing eviction proceedings from May through September 2023. MDHHS suggested it denied Petitioner's SER application because Petitioner did not submit proof of eviction proceedings. It was not disputed that Petitioner did not submit such proof; however, MDHHS also acknowledged it never requested proof from Petitioner by sending a SER-VCL. MDHHS cannot deny Petitioner's SER application due to Petitioner not having a court-ordered eviction when it never requested proof of eviction and had no reason to believe that Petitioner was not being evicted. As a remedy, Petitioner is entitled to a reprocessing of the improperly denied SER application.

¹ The homeless assistance programs include Family Re-Housing Program and Rural Homeless Permanent Supportive Housing Initiative.

² . A demand for possession non-payment of rent or a notice to quit is not sufficient verification.

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. It is ordered that MDHHS begin to perform the following actions within 10 days of the date of mailing of this decision:

- (1) Reregister Petitioner's SER application for relocation dated [REDACTED] 2023; and
- (2) Initiate reprocessing of Petitioner's application including sending a SER-VCL to request verification of homelessness risk.

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

CG/nr



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

Chelsea McCune
Macomb County DHHS Warren Dist.
13041 E 10 Mile
Warren, MI 48089

**MDHHS-Macomb-20-
Hearings@michigan.gov**

Interested Parties

Macomb 20 County DHHS
BSC4
J. McLaughlin
T. Bair
MOAHR

Via-First Class Mail :

Petitioner

[REDACTED]
[REDACTED]
[REDACTED], MI [REDACTED]