



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

██████████
██████████
██████████, MI ██████████

Date Mailed: January 8, 2024
MOAHR Docket No.: 23-007169
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Ellen McLemore

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 January 4, 2024, via conference line. Petitioner was present and was unrepresented. The Department of Health and Human Services (Department) was represented by Caitlin Dodge, Family Independence Manager.

ISSUE

Did the Department properly deny 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 ██████████, 2023, Petitioner submitted an application for SER benefits for assistance with relocation services (Exhibit A, pp. 8-12). Petitioner requested assistance with rent to prevent eviction.
2. On October 10, 2023, the Department sent Petitioner an SER Verification Checklist (VCL) requesting verification of need (Exhibit A, pp. 15-16).
3. Petitioner submitted a Demand for Possession and a court summons (Exhibit A, pp. 25-28).

4. On October 18, 2023, the Department sent Petitioner a State Emergency Relief Decision Notice informing her that her SER application was denied (Exhibit A, pp. 32-34).
5. On October 20, 2023, Petitioner submitted a request for hearing disputing the Department's actions.

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.

On [REDACTED], 2023, Petitioner submitted an application for SER benefits, requesting rent to prevent eviction. The Department sent Petitioner a VCL requesting proof of need. Petitioner submitted a Demand for Possession and a court summons. The Department denied Petitioner's application, as the documentation submitted was insufficient to establish Petitioner was at risk of homelessness.

SER assists individuals and families to resolve or prevent homelessness by providing money for rent, security deposits, and moving expenses. ERM 303 (October 2015), p. 1. The Department authorizes SER benefits for relocation services if (i) the group is homeless; (ii) at risk of homelessness; or (iii) the group meets the eligibility requirements for certain homeless assistance programs. ERM 303, pp. 1-2. Verification of an individual being potentially homeless includes a judgment, eviction order or court summons regarding eviction (a demand for possession non-payment of rent or a notice to quit is not sufficient). ERM 303, p. 6. A group living with friends or relatives is not homeless, even if the arrangement is temporary unless (i) the group is living temporarily with other persons following a fire or natural disaster that occurred not more than 60 days before the date the group files an application for SER; (ii) the group is living with other persons to escape a domestic violence situation; or (iii) the group meets eligibility criteria for certain homeless assistance programs. ERM 303, pp. 2-3.

The Department testified that Petitioner's SER application was denied for her failure to submit verification of need. The Department determined that the Demand for Possession did not meet the criteria for eligibility. However, the Department conceded that Petitioner did timely submit a court summons, satisfying the need requirement. Therefore, the Department did not act in accordance with policy when it denied Petitioner's SER application.

DECISION AND ORDER

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 SER application.

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. Reinstate and reprocess Petitioner's [REDACTED] 2023 SER application;
2. If Petitioner is eligible for SER benefits, issue payments in accordance with Department policy; and
3. Notify Petitioner of its decision in writing.

EM/tm



Ellen McLemore
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

Linda Gooden
Oakland County Southfield District III
25620 W. 8 Mile Rd
Southfield, MI 48033
**MDHHS-Oakland-6303-
Hearings@michigan.gov**

Interested Parties

J. McLaughlin
E. Holzhausen
BSC4

Via-First Class Mail :

Petitioner

██████████
██████████
██████████, MI ██████████