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GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
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██████████, MI ██████████

Date Mailed: January 16, 2024
MOAHR Docket No.: 23-007230
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 11, 2024, via conference line. Petitioner was present and was unrepresented. The Department of Health and Human Services (Department) was represented by Valarie Foley, Hearing Facilitator.

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 rent to prevent eviction (Exhibit A, pp. 6-12).
2. On August 2, 2023, the Department sent Petitioner a State Emergency Relief Decision Notice informing her that her SER application was approved and that she had a copay of \$2,229.63 (Exhibit A, p. 19). The Department agreed to issue \$620 in assistance to pay Petitioner's rent on the condition that she paid her copay by August 22, 2023.

3. On August 9, 2023, Petitioner submitted two Chase Bank deposit receipts showing that she made a deposit on August 1, 2023, of \$1,000; and on August 9, 2023, in the amount of \$1,229.63 (Exhibit A, p. 20).
4. On October 30, 2023, the Department sent Petitioner a Benefit Notice informing her that her SER application was denied for her failure to submit sufficient verification of the payment of her copayment (Exhibit A, pp. 16-18).
5. 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.

In this case, Petitioner submitted an application for SER benefits for rent to prevent eviction. Petitioner was approved for SER benefits and had a copayment of \$2,229.63. Petitioner had until August 22, 2023, to pay the copayment for the Department to issue \$620 to the provider.

SER group members must use their available income and cash assets that will help resolve the emergency. ERM 208 (December 2022), p. 1. The total copayment is the amount the SER group must pay toward their emergency. ERM 208, p. 2. The Department will not authorize an SER payment before a service is provided or before a SER group has made a required copayment, contribution or prorated shortfall. ERM 401 (February 2017), pp 1-2. The SER authorization period is 30 days. ERM 401, p. 2. The authorization period begins on the date the Department receives a signed application for SER and ends 29 days later. ERM 401, p. 2. Additional requests for any SER service during the authorization period is entered by the Department as an additional service, not as a new application. ERM 401, p. 2. Any copayments, shortfalls or contributions that must be paid are subject to the authorization period end date, regardless of the date the service is requested. ERM 401, p. 2. Before authorizing the Department's portion of the cost of services, verify that the copayment, shortfall, and contribution have been paid by the client or will be paid by another agency. ERM 208, p. 5.

The Department testified that Petitioner's SER application was denied, as the verification submitted for the payment of her copayment was insufficient. The Department presented deposit statements submitted by Petitioner on August 9, 2023. The statements show that Petitioner made deposits of \$1,000 and \$1,229.63, but they do not state that the payments were made to the provider.

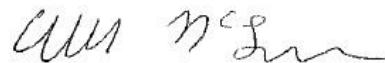
At the hearing Petitioner testified that the account that the funds were deposited into was her landlord's account. Petitioner stated that she had been living at that location for the previous six years and that she always used that method to pay her rent. Petitioner stated that she was not provided payment receipts by her landlord. Petitioner reported that she was not notified by the Department that her verification was insufficient until after the SER copayment authorization period had lapsed. Petitioner testified that she was evicted from the residence on September 28, 2023, for a past due rent in the amount of \$620. Petitioner testified that she subsequently retrieved a ledger from her landlord showing payments made. Petitioner stated that had she known the verification was insufficient, she could have obtained proper verification or paid the additional \$620 by some other means.

Petitioner gave credible testimony that she made a good faith effort to provide verification that she made the required copayment. Petitioner's testimony that she paid the copayment was corroborated by the eviction judgement showing she made a payment of \$2,493.92 (Exhibit A, p. 21). However, Petitioner testified that she was subsequently evicted from the residence. The SER payment must resolve the emergency. ERM 103, p. 3. The Department will not issue SER to reimburse expenses incurred or paid without Department approval. ERM 103, p. 3. As any further payments to Petitioner's former provider would not resolve the emergency, and Petitioner cannot be reimbursed for any payments made, SER benefits cannot be approved. As such, the Department acted in accordance with policy when it denied the application for SER benefits.

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 acted in accordance with Department policy when it denied the application for SER benefits. Accordingly, the Department's decision is **AFFIRMED**.

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
Susan Noel
Wayne-Inkster-DHHS
26355 Michigan Ave
Inkster, MI 48141
**MDHHS-Wayne-19-
Hearings@michigan.gov**

Interested Parties
J. McLaughlin
E. Holzhausen
BSC4

Via-First Class Mail :

Petitioner

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