



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
DIRECTOR

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

Date Mailed: February 26, 2024
MOAHR Docket No.: 24-000873
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Danielle R. Harkness

HEARING DECISION

On January 19, 2024, Petitioner, [REDACTED] [REDACTED] requested a hearing. As a result, a hearing was scheduled to be held on February 22, 2024, pursuant to MCL 400.9, 7 CFR 273.15, and Mich Admin Code, R 792.11002. Petitioner appeared at the hearing and represented herself. The Department of Health and Human Services (Department) was represented by Lianne Scupholm, Hearings Facilitator.

A 26-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

ISSUE

Did the Department properly deny Petitioner's request for State Emergency Relief (SER) rental assistance?

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] [REDACTED] 2023, Petitioner applied for SER rental assistance.
2. On Petitioner's [REDACTED] [REDACTED] 2023, application, Petitioner reported that both herself and her children receive unearned income.
3. Petitioner receives \$1,104.00 in RSDI and \$17.44 in child support, Petitioner's son receives \$[REDACTED] in SSI and \$108.00 in RSDI, and Petitioner's daughter receives \$108.00 in RSDI.

4. On January 9, 2024, the Department sent a Decision Notice to Petitioner denying Petitioner's application for SER rental assistance due to excess income.
5. On January 19, 2024, Petitioner requested a hearing to dispute the Department's denial.

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 SER program is established by the Social Welfare Act, MCL 400.1-.119b. The SER program is administered by the Department pursuant to MCL 400.10 and Mich Admin Code, R 400.7001-.7049.

If the copayment, shortfall, contribution or combination exceeds the need, the application shall be denied unless good cause is granted. ERM 103 (October 1, 2023), p. 5.

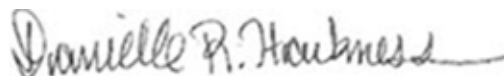
In this case, Petitioner's copayment is \$1,567.44 (\$855.00 + \$1,320.00 + \$17.44 - \$625.00). The amount Petitioner requested for SER rental assistance is \$1,134.28. Therefore, Petitioner's copayment exceeds the need.

The Department representative acknowledged that there was an error in calculating Petitioner's RSDI income as the correct amount should be \$1,320.00. However, this is harmless error as Petitioner's countable household net income still exceeds the need standard. Here, the Department properly denied Petitioner's request for SER rental assistance.

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 its policies and the applicable law when it denied Petitioner's request for SER rental assistance.

IT IS ORDERED that the Department's decision is **AFFIRMED**.



Danielle R. Harkness
Administrative Law Judge

DH/nr

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
Kristina Etheridge
Calhoun County DHHS
190 East Michigan
Battle Creek, MI 49016
**MDHHS-Calhoun-
Hearings@michigan.gov**

Interested Parties
Calhoun County DHHS
BSC3
J. McLaughlin
E. Holzhausen
MOAHR

Via-First Class Mail :

Petitioner
[REDACTED]
[REDACTED]
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