



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], MI [REDACTED]

Date Mailed: April 19, 2024  
MOAHR Docket No.: 24-002294  
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 April 17, 2024. Petitioner participated and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by Arnesia Woods, specialist.

### **ISSUE**

The issue is whether MDHHS properly denied Petitioner's application 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 [REDACTED] 2024, Petitioner applied for SER seeking money for a rent arrearage and reported a household that included his daughter and granddaughter who were both under 18 years of age.
2. As of March 2024, Petitioner's monthly rent obligation was \$1,500; Petitioner additionally was responsible for paying heat, electric and water.
3. As of March 2024, Petitioner and his daughter received gross monthly Retirement, Survivors, Disability Insurance (RSDI) of \$1,224 and \$612, respectively.

4. On March 7, 2024, MDHHS denied Petitioner's application due to Petitioner's rent not being affordable.
5. On March 7, 2024, 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. MDHHS policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), Reference Tables Manual (RFT), and Emergency Relief Manual (ERM).

Petitioner requested a hearing to dispute a denial of SER seeking assistance with a rent arrearage (aka SER- Relocation). Exhibit A, pp. 3-6. A State Emergency Relief Decision Notice dated March 7, 2024, stated that Petitioner's application was denied due to rent not being affordable. Exhibit A, pp. 29-31.

SER- Relocation 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. Housing affordability is a condition of eligibility for SER- Relocation. ERM 207 (October 2020) p. 1. MDHHS is to approve SER-Relocation only if the SER group has sufficient income to meet ongoing housing expenses. *Id.* An SER group that cannot afford to pay their ongoing housing costs plus any utility obligations will not be able to retain their housing, even if SER is authorized. *Id.* MDHHS is to deny SER if the group does not have sufficient income to meet their total housing obligation. *Id.*

If no utilities are included in the rent obligation, the total housing obligation cannot exceed 75% of the group's total net countable income *Id.* When heat (15%), water (5%), and/or electricity (5%) obligations are included in the rent, the percentage is increased up to 100 percent. *Id.*, p. 3.

Petitioner applied for SER on [REDACTED] 2024, and reported a household including two minor children. It was not disputed that Petitioner received \$1,224 in gross monthly RSDI. MDHHS credibly testified that a check of Social Security Administration records indicated that Petitioner's daughter received \$612 in gross monthly RSDI.<sup>1</sup> Adding the income results in total household income of \$1,836.<sup>2</sup>

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<sup>1</sup> Petitioner initially testified that his daughter received \$621 in gross monthly RSDI but later acknowledged he could be mistaken.

<sup>2</sup> Petitioner's daughter who was under 18 years of age also received income from part-time employment. For purposes of SER, the income is not countable if held in a savings account in the child's name exclusively and the assets are not comingled with any other source. The evidence did not verify if this was the case; however, Petitioner testified that his daughter's wages were not part of the household income; thus, the income was not included within the SER group's income.

It was not disputed that Petitioner's rent was \$1,500 and it did not include heat, electricity, or water. Multiplying the group's income of \$1,836 by 75% renders Petitioner's rent unaffordable if over \$1,377. Petitioner's monthly rent of \$1,500 is not affordable.

Given the evidence, MDHHS properly determined that Petitioner's housing was unaffordable. Thus, MDHHS properly denied Petitioner's application for SER seeking rental arrearage.

### **DECISION AND ORDER**

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly denied Petitioner's SER application dated [REDACTED] 2024. The actions taken by MDHHS are **AFFIRMED**.

CG/nr

  
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**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**

Dora Allen  
Wayne-Gratiot/Seven-DHHS  
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**MDHHS-Wayne-76-  
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**Interested Parties**

Wayne 76 County DHHS  
BSC4  
J. McLaughlin  
E. Holzhausen  
MOAHR

**Via-First Class Mail :**

**Petitioner**

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