



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: July 12, 2024
MOAHR Docket No.: 24-005842
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 July 10, 2024. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by Bonita Welch, 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] [REDACTED] 2024, Petitioner applied for SER seeking \$1,007 for rent arrearage.
2. On April 17, 2024, MDHHS requested from Petitioner proof of eviction such as a court order, summons, or judgment by April 24, 2024.
3. On April 23, 2024, MDHHS received from Petitioner a Demand for Possession stating Petitioner owed \$2,844 in rent.
4. On April 29, 2024, MDHHS denied Petitioner's SER application due to Petitioner not verifying a need for SER.

5. On May 15, 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. MDHHS administers the SER program pursuant to MCL 400.10 and Mich Admin Code, R 400.7001-.7049. SER policies are contained in the Emergency Services Manual (ERM).

Petitioner requested a hearing to dispute a denial of SER. Exhibit A, pp. 4-5. Petitioner applied for SER on [REDACTED] [REDACTED] 2024, seeking payment for a rent arrearage of \$1,007. Exhibit A, pp. 6-11. A State Emergency Relief Decision Notice dated April 29, 2024, stated Petitioner's application was denied due to Petitioner's failure to verify need. Exhibit A, pp. 43-45

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. A Demand for Possession (Non-Payment of Rent) and/or Notice to Quit are not acceptable verifications of homelessness. *Id.*

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.*

MDHHS sent Petitioner a SER Verification Checklist on April 17, 2024, requesting proof of Respondent's need for SER. Exhibit A, p. 12. Listed examples of acceptable verifications included a court summons, order, or judgment. *Id.* Respondent's due date to verify SER need was April 24, 2024. The only relevant document received by MDHHS before the VCL due date was a Demand for Possession (Non-Payment of Rent).² Exhibit A, p. 14. As stated above, a Demand for Possession is not an acceptable verification of SER need. Petitioner testified that someone else submitted

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

² MDHHS also received a copy of Respondent's lease. Exhibit A, pp. 15-25.

the documents in response to the VCL and that she assumed that whatever was submitted was acceptable.

Given the evidence, Petitioner failed to timely submit verification of SER need. Thus, MDHHS properly denied Petitioner's SER application. As discussed during the hearing, Petitioner can reapply if assistance is still needed.³

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] [REDACTED] 2024, requesting rent arrearage. The actions taken by MDHHS are **AFFIRMED**.

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

³ Petitioner testified she still owes \$204 to her landlord.

Via-Electronic Mail :

DHHS

Denise Key-McCoggle
Wayne-Greydale-DHHS
27260 Plymouth Rd
Redford, MI 48239

MDHHS-Wayne-15-Greydale-Hearings@michigan.gov

Interested Parties

BSC4
J. Mclaughlin
E. Holzhausen
MOAHR

Via-First Class Mail :

Petitioner

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