



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

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Date Mailed: April 15, 2022
MOAHR Docket No.: 22-000955
Agency No.: ██████████
Petitioner: ██████████ ██████████

ADMINISTRATIVE LAW JUDGE: Danielle Nuccio

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 on April 13, 2022. The Petitioner appeared and represented herself. A representative from the Department of Health and Human Services (MDHHS) did not appear for the hearing and the hearing was held in the absence of the MDHHS.

At the hearing, Petitioner waived her right to receiving and reviewing the 9-page hearing packet prior to the hearing and agreed to admission of the documents MDHHS submitted. The 9-page hearing packet was admitted into evidence as Exhibit A.

ISSUE

Did MDHHS 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 ██████████ 2022, Petitioner submitted a request for SER assistance with rent to prevent eviction in the amount of \$██████████.
 - a. In her application, Petitioner reported she has no income.
 - b. Petitioner provided with her application a Demand for Possession for Nonpayment of Rent (Exhibit A, p. 7).
2. On ██████████ 2022, MDHHS issued a notice of denial of Petitioner's SER application for failure to provide a court order summons, court eviction, court judgement, or proof of income (Exhibit A, pp. 5-6).

3. On March 1, 2022, MDHHS received Petitioner's timely submitted hearing request regarding the denial of her SER application.

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 applied for SER assistance for a past due rental balance. The SER application was denied for Petitioner's failure to provide proof of a court summons, order, or judgment. A MDHHS representative did not participate in the hearing. The hearing summary prepared by MDHHS was read into the record, stating that:

Petitioner applied for a SER on [REDACTED] 2022 for assistance with eviction prevention. Petitioner submitted a Demand for Rent with the application, as she has not received a Court Summons, Judgment, or Eviction Notice. SER was denied.

SER assists individuals and families to resolve or prevent homelessness by providing money for rent, security deposits, and moving expenses. ERM 303 (October 2020), p. 1. MDHHS will authorize relocation services only if one of the following circumstances exist and all other SER criteria are met: the SER group is homeless, meaning that there is no housing that the group can return to; the SER group is at risk of homelessness; or that the SER group meets the eligibility requirements for either the Family Re-Housing Program or the Rural Homeless Permanent Supportive Housing Initiative. ERM 303, pp. 1-2. An individual will be eligible for SER with rent to prevent eviction if a court summons, order, or judgment was issued which will result in the SER group becoming homeless. A demand for possession non-payment of rent or a notice to quit is not sufficient. ERM 303, pp. 3, 5-6.

Petitioner confirmed that at the time she submitted her SER application, her landlord had not commenced eviction proceedings and she sought SER to prevent the landlord from initiating an eviction. Petitioner confirmed that she did not have a summons, order, or judgement that could result in the SER group becoming homeless. Thus, the MDHHS properly denied Petitioner's request for SER assistance with rent to prevent eviction.

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 MDHHS acted in accordance with Department policy when it denied Petitioner's SER application.

DECISION AND ORDER

Accordingly, MDHHS' decision is **AFFIRMED**.

DN/mp



Danielle Nuccio
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

Email Recipients:

MDHHS-Wayne-17-hearings
E. Holzhausen
MOAHR
T. Bair
BSC4

First-Class Mail Recipient:

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