



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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██████████, MI ██████████

Date Mailed: May 16, 2022
MOAHR Docket No.: 22-001471
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 May 5, 2022, from Detroit, Michigan. Petitioner was present with her attorney, Marie Reimers. The Department of Health and Human Services (Department) was represented by Michelle Collins, Eligibility Specialist.

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 ██████████ 2022, Petitioner submitted an application for SER benefits for assistance to prevent eviction (Exhibit A, pp. 6-7).
2. On January 3, 2022, the Department sent Petitioner a State Emergency Relief Decision Notice informing her that her SER application was denied (Exhibit A, pp. 10-11).
3. On ██████████ 2022, 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 assistance with past due rent to prevent eviction. Per the application, Petitioner requested [REDACTED] in SER benefits. The Department testified that Petitioner's application for SER benefits was denied because she did not meet the affordability condition of eligibility.

SER assists individuals and families to resolve or prevent homelessness by providing money for rent, security deposits, and moving expenses. ERM 303 (October 2015), p. 1. Housing affordability is a condition of eligibility for SER and applies to relocation services under ERM 303. ERM 207 (October 2015), p. 1. The Department will authorize SER for services only if the SER group has sufficient income to meet ongoing housing obligation. ERM 207, p. 1. The total housing obligation cannot exceed 75% of the group's total net countable income. ERM 207, p. 1.

At the hearing, the Department presented a CERA Program Worksheet from the Michigan State Housing Development Authority (MSHDA) dated September 22, 2021, that Petitioner submitted with her application on [REDACTED], 2022. The document indicates that Petitioner has a rental obligation of [REDACTED]. The Department testified that Petitioner did not have income at the time of application. As Petitioner did not have income at the time of application, her housing obligation exceeded 75% of the group's total net countable income. Therefore, Petitioner's SER application was denied.

At the hearing, Petitioner's counsel argued that Petitioner's housing obligation was \$0 at the time of application. Petitioner initially testified that she could not recall what her housing obligation was at the time of application. Petitioner later testified that she believed her rental obligation was \$0 at the time of application and that she was unsure as to why the document from MSHDA reflected a [REDACTED] rental obligation. Petitioner confirmed that she was not employed at the time of application.

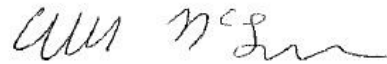
Petitioner's counsel also submitted a CERA Program Worksheet that was dated February 28, 2022 (Exhibit A, p. 12). The February 28, 2022 document also states that Petitioner had a rental obligation of [REDACTED] per month. Petitioner's testimony as to her rental obligation in February 2022 was inexact. The Department was reasonable in its reliance on Petitioner's MSHDA paperwork to determine that she had a rental obligation

of \$[REDACTED] As Petitioner did not have income at the time application, the Department acted in accordance with policy when it determined Petitioner did not meet the affordability requirement. Thus, the Department acted in accordance with policy when it denied Petitioner's SER application.

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 Petitioner's SER application. 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

Email Recipients:

MDHHS-Wayne-55-Hearings
T. Bair
E. Holzhausen
BSC4
MOAHR

First Class Mail-Recipient:

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██████████
██████████ MI ██████████