



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: December 13, 2022
MOAHR Docket No.: 22-005211
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 telephone hearing was held on December 8, 2022. The Petitioner appeared and represented herself. The Department of Health and Human Services (MDHHS) was represented by Raven Douthard, Hearings Facilitator.

ISSUE

Did MDHHS properly issue Petitioner approved State Emergency Relief (SER) funds within the required standard of promptness?

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 applied for SER for rent payment assistance to prevent eviction for a group size of three (Exhibit A, pp. 7-13).
2. On ██████████ 2022, MDHHS issued a SER Decision Notice to Petitioner, informing her that MDHHS will pay \$██████ in rent to prevent eviction, if Petitioner pays a co-payment of \$3,385.00. MDHHS informed Petitioner that she must first provide proof that she made her co-payment by October 7, 2022, otherwise MDHHS will not pay the amount approved (Exhibit A, pp. 14-16).
3. On September 23, 2022, Petitioner submitted a \$500.00 co-payment to MDHHS (Exhibit A, p. 20).
4. On September 24, 2022, Petitioner submitted an additional co-payment of \$2,890.00 to MDHHS (Exhibit A, p. 19).

5. Petitioner's total contribution was \$3,390.00, \$5.00 more than the amount approved. Therefore, on October 5, 2022, the SER amount issued to Petitioner's provider was \$[REDACTED] (Exhibit A, p. 22).
6. On October 13, 2022, MDHHS was informed that the SER payment was cancelled due to the provider having no account and unable to locate account at the bank that is on file (Exhibit A, p. 21).
7. On October 20, 2022, a replacement payment was issued to the provider, dated for October 27, 2022 (Exhibit A, p. 23).
8. On November 7, 2022, MDHHS received Petitioner's timely submitted hearing request regarding the late fees incurred as a result of a late SER payment being issued (Exhibit A, pp. 3-5).

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 was approved to receive \$[REDACTED] in SER rent payment assistance to prevent eviction. Petitioner disputes that she was assessed late fee charges and associated court costs due to the eviction process that she requests SER funds pay for.

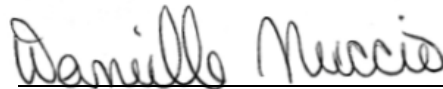
State Emergency Relief (SER) assists individuals and families to resolve or prevent homelessness by providing money for rent, security deposits, and moving expenses. Court costs and fees included in a judgment is an allowable cost for a rent to prevent eviction request. ERM 303 (October 2020), p. 1. For a group size of three, MDHHS is only able to authorize \$[REDACTED] maximum in relocation services payments. BEM 303, p. 7. MDHHS approved a SER payment of \$[REDACTED] in rent to prevent eviction, if Petitioner pays a co-payment of \$3,385.00. Petitioner's total contribution made was \$3,390.00, \$5.00 more than the amount approved. Therefore, the SER amount issued to Petitioner's provider was \$[REDACTED]. This amount could have been used for court costs, in addition to rent payments, depending on Petitioner's balance with her provider. On October 13, 2022, MDHHS was informed that the SER payment was cancelled due to the provider having no account and unable to locate account at the bank that is on file. On October 20, 2022, a replacement payment was issued to the provider, dated for October 27, 2022. Petitioner argues that MDHHS should have communicated directly

with her provider regarding the returned payment so that she was not assessed a late fee. While Petitioner's provider should not have assessed a late fee due to their own internal banking issues, this is not attributable to MDHHS. MDHHS acted in accordance with policy in issuing Petitioner's SER payment.

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 approved and processed Petitioner's SER payment to prevent rent eviction.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.



Danielle Nuccio

Administrative Law Judge

DN/mp

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
MDHHS-Wayne-18-Hearings
E. Holzhausen
K. Schulze
MOAHR
BSC4

Via-First Class Mail :

Petitioner

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[REDACTED]
[REDACTED] MI [REDACTED]