



STATE OF MICHIGAN

GRETCHEN WHITMER
GOVERNOR

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: May 31, 2024
MOAHR Docket No.: 24-003534
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: L. Alisyn Crawford

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 8, 2024. Petitioner was present at the hearing and represented herself. The Department of Health and Human Services (Department) was represented by Stephanie Avery, Assistance Payments Worker.

ISSUE

Did the Department properly approve Petitioner's application for State Emergency Relief (SER) services?

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 completed a SER application request for housing assistance to prevent eviction. (Exhibit A, pp. 5-9). Petitioner provided the Department with an eviction judgment from the 36th Judicial District Court. (Exhibit A, p. 9). The judgment indicated that Plaintiff's landlord had the right to recover possession of the property, and the rent due for Petitioner to retain possession was \$2,242.50 including fees. (Exhibit A, p. 9).
2. Petitioner is the only member of her household. (Exhibit A, p. 5)
3. On [REDACTED] 2024, the Department processed and approved the SER application for rent to prevent eviction. (Exhibit A, p. 10). Further noted in the approval, the Department would pay \$410 towards her back rent, if Petitioner made a copayment of \$1,832.50 for a total of \$2,242.50, the total owed amount.

4. In connection with the SER request approval, Petitioner was informed that she must provide proof of co-payment of \$1,832.50 to the Department by March 20, 2024. (Exhibit A, p. 10). Petitioner did not provide proof of paying the co-payment amount and thus the Department did not pay the \$410 approval amount.
5. On [REDACTED] 2024, the Department processed a subsequent SER application for Petitioner. (Exhibit A, pp. 24-25). This SER request was approved on April 3, 2024 and informed Petitioner that she was required to show proof of paying the co-payment amount of \$1,832.50 by April 25, 2024 for the Department to cover the remaining \$410 owed for rent to prevent eviction. (Exhibit A, pp. 26-28).
6. On [REDACTED] 2024, Petitioner requested a hearing to dispute the SER co-payment amount. (Exhibit A, pp. 3-4).

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.

Petitioner requested a hearing disputing the alleged failure to fulfill an SER approval. The Department approved Petitioner for SER funds to prevent eviction. Based on the court order, the Department approved Petitioner for \$410. To obtain the \$410 Petitioner was required to make a \$1,832.50 copayment. Petitioner indicated that she was unable to pay the copayment and contested the approval amount of \$410, which she noted would not cover her requested need.

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. To be eligible for SER, the individual must be homeless, at risk of homelessness or meet eligibility requirements for the Family Re-Housing Program or the Rural Homeless Permanent Supportive Housing initiative. ERM 303, p. 2.

SER group members must use their available income and cash assets that will help resolve the emergency. ERM 208 (October 2023), p. 1. The total copayment is the amount the SER group must pay toward their emergency. ERM 208, p. 2. Copayment amounts are deducted from the cost of resolving the emergency. ERM 208, p. 2. Income that is more than the basic monthly income need standard for the number of group members must be deducted from the cost of resolving the emergency. This is the

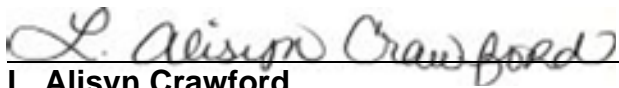
income copayment. ERM 208, p. 1. The income and asset copayments combined determine the SER group's total copayment. ERM 208, pp. 1-2. The Department pays for SER assistance up to the issuance maximum for relocation services based on the SER group size. ERM 303 (October 2022), p. 5. Here, Petitioner was the only member of her SER group and thus had a group size of one. For a single-person SER group, the maximum the Department will pay for SER assistance with relocation services is \$410. ERM 303 (October 2022), p. 7. Because the cost of resolving the emergency was \$2,242.50, Petitioner was responsible for paying the \$1,832.50 copayment, the difference between the amount to resolve the emergency and the maximum amount the Department could pay. Because the Department could not pay more than \$410 and could not make this payment until Petitioner verifies payment of her copayment, the Department properly denied payment in this case.

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 when it did not issue the \$410 SER's payment when Petitioner did not provide proof that copayment amount was paid prior to the due date.

DECISION AND ORDER

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

LC/ml


L. Alisyn Crawford
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

Keisha Koger-Roper
Wayne-District 31 (Grandmont)
17455 Grand River
Detroit, MI 48227

MDHHS-Wayne-31-Grandmont-Hearings@Michigan.gov

Interested Parties

BSC4
J McLaughlin
E Holzhausen
MOAHR

Via First Class Mail:

Petitioner

[REDACTED]
MI [REDACTED]