



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: August 21, 2024  
MOAHR Docket No.: 24-006110  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Linda Jordan**

**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 August 13, 2024, via teleconference. Petitioner appeared and represented herself. Leanne Scupholm, Hearings Facilitator, appeared on behalf of the Michigan Department of Health and Human Services (MDHHS or Department). MDHHS' Hearing Packet was admitted at the hearing as MDHHS Exhibit A, pp. 1-30.

**ISSUES**

1. Did MDHHS properly determine Petitioner's eligibility for Food Assistance Program (FAP) benefits?
2. Did MDHHS properly determine that Petitioner did not submit proof of copayment timely 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. Petitioner was an ongoing recipient of FAP benefits.
2. On or about [REDACTED] 2024, Petitioner applied for SER services for rent to prevent eviction.
3. On February 20, 2024, MDHHS approved Petitioner for SER services and sent Petitioner a State Emergency Relief Decision Notice (Exhibit A, p. 6). The notice indicated that MDHHS would pay [REDACTED], and Petitioner was required to pay a \$[REDACTED] copayment (Exhibit A, p. 6). The notice indicated that no MDHHS

payment would be made unless Petitioner provided proof that she paid the copayment (Exhibit A, p. 7). Proof of copayment was due by February 27, 2024 (Exhibit A, p. 7).

4. On [REDACTED] 2024, Petitioner submitted copies of money orders totaling [REDACTED] (Exhibit A, p. 10).
5. On [REDACTED] 2024, Petitioner submitted a FAP renewal to MDHHS (Exhibit A, p. 12).
6. On April 10, 2024, MDHHS sent Petitioner a Notice of Food Assistance (FAP) Closure, indicating that her FAP case would be closed, effective April 30, 2024 (Exhibit A, p. 17).
7. On May 8, 2024, Petitioner requested a hearing regarding FAP and SER benefits.

### **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 Food Assistance Program (FAP)**

FAP [formerly known as the Food Stamp program] is established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 273. MDHHS administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

Petitioner requested the hearing regarding the closure of her FAP benefits. At the hearing, MDHHS testified that Petitioner's FAP benefits were reinstated and that there was no gap in eligibility periods. Petitioner requested to withdraw her Request for Hearing on this issue because the matter had been resolved. MDHHS had no objection. The undersigned Administrative Law Judge (ALJ) granted Petitioner's request to withdraw the Request for Hearing on the record. Pursuant to the withdrawal, the matter related to FAP is **DISMISSED**.

#### **The State Emergency Relief (SER)**

SER is established by the Social Welfare Act, MCL 400.1-.119b. MDHHS administers SER pursuant to MCL 400.10 and Mich Admin Code, R 400.7001-.7049.

In this case, MDHHS approved Petitioner for SER services for rent to prevent eviction but did not issue payment because Petitioner did not submit proof of copayment timely.

SER assists applicants with safe, decent, affordable housing and other essential needs when an emergency situation arises. ERM 101 (March 2013), p. 1. 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. SER group members must use their available income and cash assets that will help resolve the emergency. ERM 208 (October 2023), p. 1. A group is eligible for non-energy SER services with respect to income if the total combined monthly net income that is received or expected to be received by all group members in the 30-day countable income period does not exceed the standards found in ERM 208 (October 2023), pp. 1, 6. 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. ERM 208, p. 1. This is the income copayment. *Id.*

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. *Id.* The client is notified on the DHS-1419, Decision Notice, of their copayment amount and the deadline to return verification that they have paid their copayment. *Id.* The deadline date is always the last day of the 30-day eligibility period regardless of when the client requests the service. *Id.* The client must provide verification of their payment by the last day of the 30-day eligibility period. *Id.* If verification of payment is not received by the deadline, no SER payment will be made, and the client will have to reapply. ERM 208, p. 5.

Here, MDHHS sent Petitioner notice that the deadline for making the copayment was February 27, 2024. MDHHS testified that it did not receive any documentation prior to the deadline. On February 28, 2024, it received copies of money orders from Petitioner in the amount of the copayment (Exhibit A, p. 9). MDHHS stated that it did not submit payment for SER services because it did not receive proof of copayment by the deadline. It further testified that the proof that Petitioner submitted would not have been accepted because it did not show that the landlord received the copayment.

At the hearing, Petitioner testified that she submitted copies of the money orders on the date of the deadline. However, Petitioner did not provide adequate evidence to refute MDHHS' documentation showing that the documents were received one day after the deadline. MDHHS provided a print-out of Petitioner's Electronic Case File, which showed that a "rent receipt" was submitted on February 28, 2024 (Exhibit A, p. 9). No evidence was provided to show that Petitioner contacted MDHHS prior to the deadline to inform MDHHS that she was having difficulty obtaining the proof or that she requested an extension of the deadline. MDHHS did not submit payment to Petitioner's landlord because proof of the copayment was not received by the deadline. This action was in line with Department policies, as enumerated above.

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 declined to submit payment for SER services.

**DECISION AND ORDER**

Pursuant to Petitioner's withdrawal of the Request for Hearing on the record, the matter related to FAP is, hereby, **DISMISSED**.

MDHHS' decision regarding SER is **AFFIRMED**.

LJ/pt

  
\_\_\_\_\_  
**Linda Jordan**  
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**

Kristina Etheridge  
Calhoun County DHHS  
190 East Michigan  
Battle Creek, MI 49016

**MDHHS-Calhoun-Hearings@michigan.gov**

**Interested Parties**

BSC3  
M Holden  
B Cabanaw  
N Denson-Sogbaka  
J. McLaughlin  
E. Holzhausen  
MOAHR

**Via-First Class Mail:**

**Petitioner**

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