



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

MARLON I. BROWN, DPA  
DIRECTOR

[REDACTED], MI [REDACTED]

Date Mailed: September 27, 2024  
MOAHR Docket No.: 24-008106  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Caralyce M. Lassner**

### **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 by telephone on August 28, 2024. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Shyla Coleman, Eligibility Specialist and Hearings Facilitator.

### **ISSUE**

Did the Department properly process the State Emergency Relief (SER) payment it approved for Petitioner's benefit on November 1, 2023?

Did the Department properly deny Petitioner's [REDACTED] 2024 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. In [REDACTED] 2023, Petitioner applied for SER assistance to prevent eviction by her landlord, [REDACTED] of [REDACTED] (Landlord 1).
2. On November 1, 2023, the Department sent a SER Decision Notice (SERDN) that approved Petitioner for SER assistance subject to a copay of \$468.
3. On November 6, 2023, the Department received proof from Petitioner that the copay was paid.

4. On March 18, 2024, the Department issued the SER payment (also referred to as a warrant) in the amount of \$620 to Landlord 1. The payment has not been cashed. (Exhibit A, p. 8).
5. In [REDACTED] 2024, the Department received a new application from Petitioner for SER assistance to prevent eviction. The Department denied the application.
6. On July 9, 2024, the Department received a request for hearing from Petitioner disputing that the Department processed the approved SER payment resulting from the November 1, 2023 SERDN and that her [REDACTED] 2024 application was denied. (Exhibit A, pp. 3 – 5).
7. On July 18, 2024, the Department updated Petitioner's landlord to [REDACTED] [REDACTED] [REDACTED] (Landlord 2). (Exhibit A, p. 1).
8. As of August 9, 2024, Landlord 2 did not have a provider number with the State of Michigan.

### **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 to dispute a) that the Department issued an SER payment to her landlord pursuant to the November 1, 2023 SERDN and b) that her [REDACTED] 2024 application was denied. The Department issued a payment to Landlord 1 on March 18, 2024 pursuant to the November 1, 2023 SERDN, which had not been cashed as of the date of the hearing. The Department denied Petitioner's [REDACTED] 2024 application because she was previously approved for the maximum assistance amount for relocation services during the fiscal year.

#### **October 2023 SER Application and November 1, 2023 SERDN**

SER provides financial assistance to clients to resolve or prevent homelessness by providing money for rent and other expenses. ERM 303 (October 2022), p. 1. If the client is approved for financial assistance and required to make a copayment toward the rent and has provided proof of that payment, the Department is to authorize and issue payment of the approved amount of assistance. ERM 103 (October 2023), p. 4; ERM 303, p. 5; ERM 401 (October 2023), pp. 1 – 2. If the Department fails to act or there is

an undue delay in processing by the Department, the client has the right to request a hearing. ERM 102 (October 2020), p. 2.

In this case, the parties agreed that Petitioner applied for SER assistance to prevent eviction in October 2023 and that on November 1, 2023 the Department approved Petitioner for an assistance payment of \$620, which would be issued once Petitioner provided proof of payment of a \$468 copay. The Department confirmed that it received proof of Petitioner's copay on November 6, 2023. However, the evidence established that the Department did not authorize the SER assistance payment until March 11, 2024 and that the payment was issued on March 18, 2024 to Landlord 1. (Exhibit A, p. 8). The Department did not clearly explain why the approved SER assistance was not issued in Petitioner's case until March 2023.

During the hearing, it was established that as of the date of the hearing, Landlord 1 had not received the payment, and that Landlord 2 is the current landlord for Petitioner's residence. (Exhibit A, p. 1). When a payment is lost or not received by the provider, the client may request a replacement payment, and the Department may stop payment and issue a replacement warrant. BAM 500, p. 3; BAM 505 (July 2024), pp. 3 – 4. Landlord 1 is no longer eligible for the SER payment and not entitled to request a replacement payment. ERM 401 (March 2021), p. 2; BAM 500 (July 2024), pp. 2 – 3. Petitioner's hearing request and testimony establish that she requested a replacement payment. (Exhibit A, pp. 4 – 5). The Department did not establish that it acted on Petitioner's request.

Based on the totality of the evidence, the Department failed to satisfy its burden that it acted in accordance with policy regarding the issuance of the SER assistance payment Petitioner was approved for on November 1, 2023.

It is noted that the Department testified that Landlord 2 does not have a provider number with the State of Michigan. Before any assistance can be paid to Landlord 2, Landlord 2 must provide or obtain a State of Michigan provider number. ERM 401, p. 2; BAM 435 (February 2022), p. 1.

#### June 2024 Application

The State of Michigan's fiscal year begins October 1 and ends September 30 each year. The maximum assistance a client may receive to avoid eviction during one fiscal year for a SER group of three, such as Petitioner's, is \$620. ERM 303, p. 7. In this case, because Petitioner was approved for the maximum assistance to avoid eviction on November 1, 2023, she is not eligible for any additional assistance until on or after October 1, 2024. Therefore, while Petitioner testified that she reapplied for SER assistance in June 2024 in order to facilitate disbursement of the SER assistance she was approved for on November 1, 2023, the Department acted in accordance with policy when it denied her [REDACTED] 2024 SER application.

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 failed to

satisfy its burden of showing that it acted in accordance with Department policy when it delayed the issuance of the SER assistance payment Petitioner was approved for on November 1, 2023 and failed to act on Petitioner's request for a replacement payment and acted in accordance with Department policy when it denied Petitioner's [REDACTED] 2024 SER application.

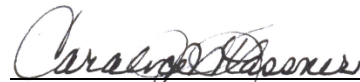
**DECISION AND ORDER**

Accordingly, the Department's decision is **REVERSED** as to Petitioner's [REDACTED] 2023 SER application.

TO THE EXTENT IT HAS NOT ALREADY DONE SO, THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Update Petitioner's SER case to reflect Landlord 2 as the correct provider;
2. Process the SER replacement warrant for the SER payment the Department approved on November 1, 2023 in accordance with policy, requiring Landlord 2 to register as a condition of payment; and
3. Notify Petitioner of its decision in writing.

CML/nr



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**Caralyce M. Lassner**  
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**

Jeanenne Broadnax  
Wayne-Taylor-DHHS  
25637 Ecorse Rd.  
Taylor, MI 48180  
**MDHHS-Wayne-18-Hearings@michigan.gov**

**Interested Parties**

BSC4  
J. Mclaughlin  
E. Holzhausen  
MOAHR

**Via-First Class Mail :**

**Petitioner**

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