



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

MARLON I. BROWN, DPA
DIRECTOR

[REDACTED]
MI [REDACTED]

Date Mailed: October 18, 2024
MOAHR Docket No.: 24-008971
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 September 19, 2024. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Debney Lofton, Eligibility Specialist, and Corlette Brown, Hearings Facilitator.

ISSUE

Did the Department properly deny Petitioner's application for State Emergency Relief (SER) to prevent eviction?

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, the Department received an application for SER from Petitioner, requesting assistance for eviction, relocation, security deposit, and moving expenses. (Exhibit A, pp. 6 – 12).
2. On July 9, 2024, the Department sent Petitioner a notice that advised her that was not eligible for SER because she had not provided proof of a court summons, order, or judgment. (Exhibit A, pp. 13 – 14).
3. On July 17, 2024, the Department received pictures of a number of documents. The documents were illegible. (Exhibit A, pp. 18 – 39).

4. On July 18, 2024, the Department spoke to Petitioner by telephone and advised that the pictures provided were illegible and not sufficient.
5. On July 25, 2024, the Department received a request for hearing from Petitioner disputing the denial of her SER application. (Exhibit A, p. 3).

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 disputed the denial of her [REDACTED] 2024 SER assistance for eviction, relocation, security deposit, and moving expense assistance.

The SER program provides assistance to applicants to secure or maintain safe, decent, affordable housing and other essential needs when an emergency situation arises. ERM 101 (March 2013), p. 1. For housing issues, the SER program may provide funds for past due rent and may be authorized when the SER group is at risk of homelessness. ERM 303 (October 2022), pp. 1 – 2. To establish an imminent risk of homelessness, the SER group must provide the Department verification of the emergency in the form of an issued judgment, eviction order, or court summons regarding eviction. ERM 303, pp. 3, 6. A demand for possession for non-payment of rent or a notice to quit is not sufficient. ERM 303, p. 6.

Petitioner applied for SER on [REDACTED] 2024, for eviction, relocation, security deposit, and moving expense assistance. (Exhibit A, pp. 6 – 12). There was no evidence that Petitioner provided the Department with an issued judgment, eviction order, or court summons regarding eviction. The only evidence introduced at the hearing regarding a possible eviction was a picture of a largely illegible, and incomplete, Notice to Quit, which was provided to the Department on July 17, 2024. (Exhibit A, p. 20). The Department spoke to Petitioner by telephone on July 18, 2024 and advised her that the pictures were not legible and were insufficient. Because a demand for possession for non-payment of rent or a notice to quit is not sufficient verification of an imminent risk of homelessness and Petitioner did not offer evidence of any other issued judgment, eviction order, or court summons regarding eviction, the Department properly denied Petitioner's [REDACTED] 2024 SER application. This conclusion is further supported by the fact that Petitioner continued to reside in the residence at the time of the hearing and

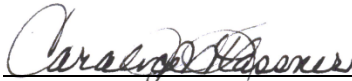
testified that a Landlord-Tenant action by her landlord was dismissed with prejudice on September 12, 2024.

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 [REDACTED] 2024 SER application.

DECISION AND ORDER

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

CML/nr



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

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