



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

MARLON BROWN
DIRECTOR

[REDACTED]
MI [REDACTED]

Date Mailed: September 16, 2024
MOAHR Docket No.: 24-009010
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Amanda M. T. Marler

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 September 11, 2024. The Petitioner was self-represented. The Department of Health and Human Services (Department) was represented by Shyla Coleman.

ISSUE

Did Petitioner submit a timely hearing request?

If so, did the Department properly determine Petitioner's State Emergency Relief (SER) eligibility?

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 January 16, 2024, the Department received Petitioner's first application for assistance with a rental expense.
2. On February 1, 2024, the Department received verification of Petitioner's payment of three payments including her normal \$800 rental expense, a \$400 check and a \$100 check to her landlord. These payments were not entered into Bridges.
3. On February 6, 2024, the Department issued a State Emergency Relief Decision Notice (SERDN) notifying Petitioner that she was eligible for a \$520.00 payment by the Department for rent to prevent eviction if she provided proof of a copayment in the amount of \$4,210.00 by February 14, 2024. The total copayment was

comprised of \$650.00 in unmet required payments (a shortfall), \$1,294.33 in income/asset copayments, and \$2,265.67 in contributions from Petitioner or other sources. The SERDN further advised that no DHS payments would be made until proof of the copayment was received and that hearing requests were due on or before May 6, 2024 to dispute the Department's decision.

4. On March 11, 2024, the Department received a second application for SER assistance with rental expense in addition to verification of Petitioner's payment of \$4,096.00 to her landlord.
5. On April 17, 2024, the Department issued another SERDN to Petitioner advising her that her application for rental assistance had been denied because she had not verified her contribution, or it had not been received within 30 days. The SERDN also advised Petitioner that if she wanted to dispute the decision, requests for hearing must be received by the Department on or before July 16, 2024.
6. On August 2, 2024, the Department received Petitioner's request for hearing disputing the Department's determination of SER eligibility.

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 submitted a hearing request which was received by the Department on August 2, 2024 after the Department's issuance of two SERDN on February 6, 2024 and April 17, 2024. Pursuant to policy, all hearing requests must be received by the local office within 90 days of the written notice of case action. BAM 600 (February 2024), p. 6; ERM 404 (March 2013), p. 1; ERM 102 (October 2020), p. 2. Hearing requests are granted for denial of applications or supplemental payments, reductions in the amount of benefits, suspension or termination of benefits or services, restrictions under which benefits or services are provided, and delay of any action beyond the standard of promptness. BAM 600, p. 5. The Department issued two SERDN, the first on April 4, 2024 and the second on April 10, 2024. Therefore, the last day to request a hearing was July 16, 2024. Petitioner's hearing request was received by the Department on August 2, 2024. Petitioner's hearing request was received by the Department outside of the 90-day appeal period; therefore, her request for hearing must be DISMISSED.

DECISION AND ORDER

Petitioner's request for hearing dated August 2, 2024 is DISMISSED.



AM/cc

Amanda M. T. Marler
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 :

Interested Parties

MDHHS-Wayne-18-Hearings
BSC4-HearingDecisions
E. Holzhausen
J. McLaughlin
MOAHR

Via-First Class Mail :

Petitioner

[REDACTED]
[REDACTED] MI [REDACTED]