



GRETCHEN WHITMER  
GOVERNOR

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

MARLON BROWN  
DIRECTOR

[REDACTED]  
[REDACTED]  
[REDACTED]

Date Mailed: November 18, 2024  
MOAHR Docket No.: 24-010969  
Agency No.: [REDACTED]  
Petitioner: [REDACTED] [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Aaron McClintic**

**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 November 13, 2024, from Lansing, Michigan. The Petitioner was represented by himself. The Department of Health and Human Services (Department) was represented by Hearing Facilitator Hannah Czechowski. Department Exhibit 1, pp. 1-39 was received and admitted.

**ISSUE**

Did the Department properly deny Petitioner's State Emergency Relief (SER) rental assistance 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. On August [REDACTED] 2024, Petitioner applied for SER for rental assistance, water utility and heat and electric utilities.
2. On August [REDACTED] 2024, an SER Checklist was sent to Petitioner informing him that his rental assistance application was denied because he did not have a court ordered eviction.
3. At hearing, Petitioner abandoned his appeals with regard to water utility and heat and electric utility SER denials.

4. On September ■ 2024, an SER Denial Notice was sent to Petitioner informing him that his rental assistance application was denied for failing to verify a court ordered eviction.
5. On September ■ 2024, Petitioner requested hearing disputing the denial of his SER applications.
6. Petitioner acknowledged at hearing that he did not have a court ordered eviction notice when he applied for SER.

### **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.

Potentially Homeless • A judgment, eviction order or court summons regarding eviction. (A demand for possession non-payment of rent or a notice to quit is not sufficient. ERM 303

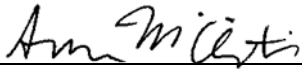
In this case, at hearing Petitioner abandoned his appeals with regard to the water, heat and electric utility SER denials. With regard to the rental assistance SER application, Petitioner did not have a court ordered eviction when he applied for SER. Policy requires a court ordered eviction and therefore the denial for failing to provide verification of a court ordered eviction was consistent with Department policy. ERM 303

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 SER rental assistance application because he did not have a court ordered eviction.

**DECISION AND ORDER**

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

AM/dm



**Aaron McClintic**

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**  
Hannah Czechowski  
Genesee County DHHS Clio Rd Dist.  
**MDHHS-Genesee-Clio-**  
**Hearings@michigan.gov**

**McLaughlinJ**

**HolzhausenE**

**BSC2HearingDecisions**

**MOAHR**

**Via-First Class Mail :**

**Petitioner**

[REDACTED]

[REDACTED]

[REDACTED]