



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

MARLON I. BROWN, DPA
DIRECTOR

██████████
██████████
██████████ MI ██████████

Date Mailed: December 17, 2024
MOAHR Docket No.: 24-012348
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Jeffrey Kemm

HEARING DECISION

On ██████████, 2024, Petitioner ██████████ requested a hearing to dispute a State Emergency Relief (SER) determination. As a result, a hearing was scheduled to be held on December 12, 2024. Public assistance hearings are held 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; 45 CFR 205.10; and Mich Admin Code, R 792.11002.

The parties appeared for the scheduled hearing. Petitioner appeared and represented herself. Respondent Michigan Department of Health and Human Services (Department) had Hearing Facilitator DeVona Gilbert appear as its representative. Neither party had any additional witnesses.

Sworn testimony was provided by both parties, and one exhibit was admitted into evidence. A 27-page packet of documents provided by the Department was admitted collectively as Exhibit A.

ISSUE

Did the Department properly determine Petitioner's 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 October 4, 2024, Petitioner requested SER assistance to avoid an eviction from her home. Petitioner reported in her application that she needed \$2,403.00 to resolve her emergency. Petitioner reported that the members of her household were Petitioner and her three children: ██████████ Petitioner reported that her household received income from Petitioner's employment at McDonald's,

Petitioner's Social Security RSDI, and [REDACTED] Social Security SSI. Petitioner reported that she was working 20 hours per week and receiving [REDACTED] biweekly. Petitioner reported that her RSDI benefit was [REDACTED] per month, and she reported that [REDACTED] SSI benefit was [REDACTED] per month.

2. Petitioner's RSDI benefit was [REDACTED] per month, [REDACTED] SSI benefit was [REDACTED] per month, Demarcus's RSDI benefit was [REDACTED] per month, and Eli's RSDI benefit was [REDACTED] per month.
3. Petitioner provided the Department with paycheck stubs from McDonald's that showed Petitioner received the following income:
 - a. On September 6, 2024, McDonald's paid Petitioner [REDACTED]. Petitioner's gross pay was [REDACTED] for 3.58 hours at [REDACTED]/hour, and Petitioner had \$4.03 withheld for taxes.
 - b. On September 20, 2024, McDonald's paid Petitioner [REDACTED]. Petitioner's gross pay was [REDACTED] for 35.1 hours at [REDACTED]/hour, and Petitioner had \$48.51 withheld for taxes.
 - c. On October 4, 2024, McDonald's paid Petitioner [REDACTED]. Petitioner's gross pay was [REDACTED] for 56.73 hours at [REDACTED]/hour, and Petitioner had \$84.04 withheld for taxes.
4. The Department determined that Petitioner's gross earned income was [REDACTED] per month, and the Department deducted 25% for taxes. This resulted in countable earned income of [REDACTED] per month. The Department determined that [REDACTED] income from SSI was [REDACTED] per month, and the Department that Petitioner's income from RSDI was [REDACTED] per month. The Department determined that Petitioner's total countable income was [REDACTED] per month.
5. The Department determined that Petitioner's copayment amount was [REDACTED] based on a \$755.00 need standard for a group size of four.
6. On October 17, 2024, the Department mailed an SER decision notice to Petitioner to notify her that her request for SER assistance was denied because her copayment was greater than the amount needed to resolve her emergency.
7. Petitioner requested a hearing to dispute the Department's decision.
8. On November 15, 2024, Petitioner was evicted from her home.

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.

SER is available to assist individuals and families to resolve or prevent homelessness by providing money for rent, security deposits, and moving expenses. ERM 303 (October 1, 2024), p. 1. In this case, Petitioner requested SER assistance to avoid an eviction from her home.

SER group members must use their available income and assets to resolve the emergency. ERM 208 (October 1, 2024), p. 1. A group that has income that exceeds the need standard must make a payment in the amount of their income that exceeds the need standard to resolve the emergency. *Id.* In this case, Petitioner's group size was four because Petitioner reported that she lived together with her three children. The need standard for a group size of four was \$755.00. *Id.* at 6. Thus, Petitioner was required to make a payment toward her emergency equal to the amount that Petitioner's household income exceeded \$755.00. Petitioner's household income consisted of Petitioner's earned income from employment at McDonald's, Petitioner's RSDI benefit, ██████ SSI benefit, ██████ RSDI benefit, and █████ RSDI benefit.

Petitioner's gross earned income from employment at McDonald's was ██████. For SER, 30 days of income is budgeted. ERM 206 (October 1, 2024), p. 1. The 30-day period begins with the SER application date. *Id.* In this case, Petitioner applied for SER on October 4, 2024, so the 30-day period ran from October 4, 2024, through November 3, 2024. Petitioner received gross pay of ██████ from her employment on October 4, 2024. Petitioner was paid ██████ per hour, Petitioner reported that she worked 20 hours per week, and Petitioner was paid biweekly. Based on this information, Petitioner should have expected to receive gross pay of ██████ on October 18, 2024, and gross pay of ██████ on November 1, 2024. Thus, Petitioner's gross pay during the 30-day period consisted of Petitioner's actual gross pay of ██████ from October 4, 2024, Petitioner's expected gross pay of ██████ for October 18, 2024, and Petitioner's expected gross pay of ██████ for November 1, 2024. Therefore, Petitioner's total gross pay during the 30-day period was ██████. Petitioner was eligible for a 25% deduction for taxes from her earned income. ERM 206 (October 1, 2024), p. 5. After the deduction, Petitioner's countable earned income was ██████.

In addition to Petitioner's countable earned income of ██████ Petitioner's household also received income from SSI and RSDI benefits. Petitioner received ██████ for RSDI, ██████ received ██████ for SSI, ██████ received ██████ for RSDI, and ██████ received ██████ for RSDI. Therefore, Petitioner's total countable household income was ██████.

Petitioner's household had [REDACTED] remaining after the \$755.00 need standard was deducted from Petitioner's total countable household income. This exceeded the amount that Petitioner asserted she needed in her October 4, 2024, application. Petitioner asserted that she needed \$2,403.00 in her October 4, 2024, application, and her income remaining after the need standard was [REDACTED]. Therefore, the payment that Petitioner was required to contribute towards her emergency exceeded the amount she needed to resolve her emergency.

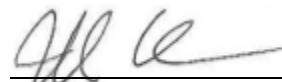
The Department did not properly budget Petitioner's income because the Department did not properly calculate Petitioner's earned income, and the Department budgeted too much income from RSDI. Although the Department did not properly budget Petitioner's income, the Department properly determined that Petitioner's copayment was greater than the amount needed to resolve her emergency. Therefore, Department properly denied Petitioner's SER request.

DECISION AND ORDER

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 properly determined Petitioner's SER eligibility.

IT IS ORDERED the Department's decision is **AFFIRMED**.

JK/pe



Jeffrey Kemm
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

Elisa Daly
Saginaw County DHHS
411 East Genesee
P.O. Box 5070
Saginaw, MI 48607
MDHHS-Saginaw-Hearings@michigan.gov

Interested Parties

BSC2
J. McLaughlin
E. Holzhausen
MOAHR

Via First Class Mail:

Petitioner

██████████
██████████
██████████ MI ██████████