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GOVERNOR

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

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DIRECTOR

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██████████, MI ██████████

Date Mailed: January 22, 2025
MOAHR Docket No.: 24-012580
Agency No.: ██████████
Petitioner: ██████ ██████

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 via Microsoft Teams on January 13, 2025; the parties participated by telephone. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by Angela Ware, specialist.

ISSUE

The issue is whether MDHHS properly processed Petitioner's State Emergency Relief (SER) request for relocation services.

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 ██████████ 2024, Petitioner applied for SER and requested \$1,250 for mortgage, \$500 for moving expenses, \$3,125 for relocation, and \$1,875 for security deposit.
2. As of September 2024, Petitioner resided in a household including only a minor child.
3. On September 10, 2024, MDHHS approved Petitioner for \$520 in SER-Relocation, subject to a \$2,278 copayment due by October 5, 2024.

4. As of October 5, 2024, Petitioner had not submitted proof of copayment to MDHHS.
5. On November 6, 2024, Petitioner requested a hearing to dispute SER-Relocation eligibility.

CONCLUSIONS OF LAW

The State Emergency Relief (SER) program is established by the Social Welfare Act, MCL 400.1-.119b. MDHHS administers the SER program pursuant to MCL 400.10 and Mich Admin Code, R 400.7001-.7049. SER policies are contained in the Emergency Services Manual (ERM).

Petitioner requested a hearing to dispute MDHHS's failure to process a conditional SER payment towards a relocation. Exhibit A, p. 3. Petitioner applied for SER on September 6, 2024. A State Emergency Relief Decision Notice dated September 10, 2024, stated that Petitioner was eligible for SER payment of \$520 based on requested expenses totaling \$2,798. Exhibit A, pp. 19-21. The notice also informed Petitioner that SER payment was conditional upon submitting proof of a \$2,278 copayment by October 5, 2024.

SER-Relocation assists persons to resolve or prevent homelessness by providing money for rent, security deposits, and moving expenses. ERM 303 (October 2024) p. 1. Petitioner specifically requested the following SER-relocation expenses: \$1,250 for mortgage, \$500 for moving expenses, \$3,125 for relocation, and \$1,875 for security deposit. Petitioner testified she only needed \$1,875 for a security deposit. MDHHS determined Petitioner's SER need amount to be \$2,798. Though MDHHS was unable to explain how it calculated \$2,798 as the amount Petitioner needed to resolve the emergency, the amount was closer to Petitioner's SER application requests than the \$1,875 now claimed by Petitioner. Given the evidence, Petitioner's requested SER amount is found to be \$2,798.

Petitioner's total copayment of \$2,278 was based on "client contributions". If the maximum SER payment does not resolve the emergency, the applicant may have a "client contribution". BEM 208 (October 2023) p. 1. SER group members must use their available income and cash assets that will help resolve the emergency. *Id.* MDHHS is to not authorize SER payment unless it resolves the emergency. *Id.*

If the SER group meets all eligibility criteria but has a copayment, shortfall, or contribution, MDHHS is to not issue payment until the client provides proof that payment has been made or will be made by another agency. *Id.*, p. 5. Verification of payment must be received in the MDHHS office within the 30-day eligibility period, or no SER payment will be made, and the client will then have to reapply. *Id.* The client is informed of the decision and deadline on the State Emergency Relief Decision Notice *Id.*

Petitioner's application requested SER-Relocation expenses for a household including a minor child. Under the circumstances, Petitioner's group size for SER is two persons.¹ The maximum two-person SER-Relocation payment is \$520. ERM 303 (October 2024) p. 7. MDHHS calculated the same SER approval. Thus, a conditional SER-Relocation approval of \$520 subject to a copayment of \$2,278 is the best possible outcome for Petitioner's need of \$2,798.²

Given the evidence, MDHHS established it properly determined Petitioner to be eligible for SER-Relocation of \$520 subject to copayment of \$2,278 by October 5, 2024. As it was not disputed that Petitioner did not make a copayment by October 5, 2024, MDHHS properly did not issue SER payment.³

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly processed Petitioner's SER application dated [REDACTED] 2024. The actions taken by MDHHS are **AFFIRMED**.

CG/nr



Christian Gardocki

Administrative Law Judge

¹ See ERM 201 for determining SER group size.

² MDHHS's decision factored an income copayment of \$496 and client contributions of \$1,782. MDHHS testified the income copayment was based on the following income received by Petitioner in the 30 days following SER application: Supplemental Security Income of \$943, State Supplemental Payment of \$42, and child support of \$53. The income copayment is ultimately irrelevant because even if the income copayment was \$0, the client contribution of \$1,782 would be increased to \$2,278 resulting in the same outcome for Petitioner.

³ Even if the amount requested by Petitioner was reduced to \$1,825, Petitioner's copayment would be \$1,305 (the difference between the maximum SER payment and amount requested). Petitioner's testimony acknowledged that she would have been unable to make a copayment in the vicinity of \$1,500.

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
Tracy Felder
Wayne-Southwest-DHHS
2524 Clark Street
Detroit, MI 48209
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Interested Parties
BSC4
J. McLaughlin
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Via-First Class Mail :

Petitioner
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