



Date Mailed: March 25, 2025

Docket No.: 25-006859

Case No.: [REDACTED]

Petitioner: [REDACTED]

This is an important legal document. Please have someone translate the document.

هذه وثيقة قانونية مهمة. يرجى أن يكون هناك شخص ما يترجم المستند.

এটি একটি গুরুত্বপূর্ণ আইনি ডকুমেন্ট। দয়া করে কেউ দস্তাবেজ অনুবাদ করুন।

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Ky është një dokument ligjor i rëndësishëm. Ju lutem, kini dikë ta përktheti dokumentin.

HEARING DECISION

On [REDACTED] 2025, Petitioner [REDACTED] requested a hearing to dispute a State Emergency Relief (SER) determination. As a result, a hearing was scheduled to be held on March 19, 2025. 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 Eligibility Specialist Lynda Brown appear as its representative. Neither party had any additional witnesses.

Both parties provided sworn testimony, and one exhibit was admitted into evidence. A 70-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:

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1. Petitioner stopped working in July 2024, and Petitioner has not had any income since she stopped working.
 2. Petitioner's rent is \$1,175.00 per month.
 3. On November 20, 2024, Petitioner's landlord filed an eviction proceeding against Petitioner, and Petitioner was summonsed to court for an eviction hearing on December 16, 2024.
 4. On January 13, 2025, Petitioner applied for SER from the Department, and Petitioner requested SER for eviction assistance.
 5. Petitioner made her last rent payment in August 2024 before Petitioner applied for SER from the Department.
 6. On January 21, 2025, the Department issued an SER verification checklist to Petitioner to instruct Petitioner to provide verification of her income to the Department by January 28, 2025.
 7. On January 22, 2025, the Department issued a verification checklist to Petitioner to instruct Petitioner to provide verification of her eviction proceedings to the Department by February 3, 2025.
 8. On January 27, 2025, the Department issued an SER decision notice to notify Petitioner that her application for SER for eviction assistance was denied because she did not provide verification as instructed.
 9. Petitioner requested a hearing to dispute the Department's decision.
 10. On February 5, 2025, Petitioner applied for SER from the Department, and Petitioner requested SER for eviction assistance.
 11. On February 12, 2025, the Department issued an SER decision notice to notify Petitioner that her application for SER for eviction assistance was denied because the Department determined that her housing was not affordable.
 12. Petitioner has paid her rent through February 2025 with help from Good Shepherd Coalition and friends. Petitioner only owes her landlord rent for March.

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 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 applied for SER assistance to prevent an eviction from her home. The Department denied Petitioner's application, and then Petitioner paid her rent to prevent an eviction from her home.

The Department improperly denied Petitioner's initial application for SER for not providing verification because the Department did not give Petitioner adequate time to respond before the Department denied her application. However, Petitioner's housing was not affordable per ERM 207, and Petitioner has resolved her emergency, so the Department properly determined Petitioner's SER eligibility when it denied her application for SER for eviction assistance. Therefore, the Department's decision is affirmed.

Housing affordability is a condition of eligibility for SER for eviction assistance. ERM 207 (October 1, 2020), p. 1. The Department can only authorize SER if the SER group has sufficient income to meet ongoing housing expenses. *Id.* The Department must deny SER when the SER group does not have sufficient income to meet its total housing obligation. *Id.* Petitioner's housing was not affordable because Petitioner did not have any income. Thus, the Department properly determined that Petitioner was ineligible for SER for eviction assistance because her housing was not affordable.

Additionally, the Department can only issue SER when a client has an emergency which threatens the client's health or safety. ERM 101 (March 1, 2013), p. 1. When a client does not have an emergency situation, the Department must deny the client's application for SER. *Id.* In this case, Petitioner resolved her emergency when she paid her rent because she was no longer at risk of losing her home through an eviction after she paid her rent. Since Petitioner resolved her emergency, the Department cannot issue SER to Petitioner for eviction assistance.

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 acted in accordance with its policies and the applicable law when it determined Petitioner's SER eligibility.

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



JEFFREY KEMM
ADMINISTRATIVE LAW JUDGE

APPEAL RIGHTS: Petitioner may appeal this Hearing Decision to the circuit court. Rules for appeals to the circuit court can be found in the Michigan Court Rules (MCR), including MCR 7.101 to MCR 7.123, available at the Michigan Courts website at courts.michigan.gov. The Michigan Office of Administrative Hearings and Rules (MOAHR) cannot provide legal advice, but assistance may be available through the State Bar of Michigan at <https://lrs.michbar.org> or Michigan Legal Help at <https://michiganlegalhelp.org>. A copy of the circuit court appeal should be sent to MOAHR. A circuit court appeal may result in a reversal of the Hearing Decision.

Either party who disagrees with this Hearing Decision may also send a written request for a rehearing and/or reconsideration to MOAHR within 30 days of the mailing date of this Hearing Decision. The request should include Petitioner's name, the docket number from page 1 of this Hearing Decision, an explanation of the specific reasons for the request, and any documents supporting the request. The request should be sent to MOAHR

- by email to MOAHR-BSD-Support@michigan.gov, **OR**
- by fax at (517) 763-0155, **OR**
- by mail addressed to
Michigan Office of Administrative Hearings and Rules
Rehearing/Reconsideration Request
P.O. Box 30639
Lansing Michigan 48909-8139

Documents sent via email are not secure and can be faxed or mailed to avoid any potential risks. Requests MOAHR receives more than 30 days from the mailing date of this Hearing Decision may be considered untimely and dismissed.

Via Electronic Mail:

Respondent

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Interested Parties

BSC4

J. MCLAUGHLIN

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MOAHR

Via First Class Mail:

Petitioner

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