



Date Mailed: March 21, 2025

Docket No.: 25-007315

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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这是一份重要的法律文件。请让别人翻译文件。

Ky është një dokument ligjor i rëndësishëm. Ju lutem, kini dikë ta përktheni 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 Assistance Payments Worker Shavval Barnes and Assistance Payments Supervisor Cathy Burr appear as its representatives. Neither party had any additional witnesses.

Both parties provided sworn testimony, and one exhibit was admitted into evidence. A 68-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 receives a gross benefit of [REDACTED] per month from Social Security RSDI.
 2. In August 2024, Petitioner moved from Florida to Michigan.
 3. Petitioner leased a property in Michigan for \$2,000.00 per month.
 4. Petitioner lives with her granddaughter and two great grandchildren.
 5. Petitioner had difficulty transferring her Section 8 housing assistance from Florida to Michigan, and Petitioner was unable to pay her rent with Section 8 housing assistance.
 6. Petitioner did not pay her rent from September 2024 through December 2024.
 7. On December 3, 2024, Petitioner's landlord served Petitioner with a demand for possession that asserted that Petitioner owed \$8,000.00 for rent.
 8. On December 11, 2024, the Department issued Petitioner a \$149.64 SER payment for heat and non-heat electricity.
 9. On January 3, 2025, Petitioner's Section 8 housing assistance was transferred to Michigan. With Petitioner's Section 8 housing assistance, Petitioner was responsible for paying \$251.00 for January 3, 2025, through January 31, 2025, and Petitioner was responsible for paying \$268.00 per month for each month thereafter.
 10. On January 15, 2025, Petitioner's landlord filed an eviction proceeding against Petitioner, and Petitioner was summonsed to court for an eviction hearing on January 29, 2025.
 11. On January 22, 2025, Petitioner applied for SER from the Department. Petitioner reported in her application that there were four members of her household, and Petitioner reported that she needed \$8,000.00 to resolve an eviction.
 12. On February 3, 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 rent was not affordable.
 13. On February 7, 2025, Petitioner applied for SER from the Department again. Petitioner reported in her application that there were four members of her household. Petitioner did not report what she needed to resolve an eviction.
 14. On February 11, 2025, the Department issued an SER decision notice to notify Petitioner that her application for SER for energy services was denied because the Department had already issued her an SER payment for heat and non-heat electricity between October 1, 2024, and September 30, 2025, and the Department

can only issue a household one SER payment for those services between October 1, 2024, and September 30, 2025.

15. On February 18, 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 shortfall was greater than the amount needed to resolve her emergency.
16. Petitioner still owes her landlord rent, and Petitioner is still at risk of losing her home through an eviction.

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 prevent 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. When a client requests SER to prevent an eviction, the Department must determine if the client made required payments during each of the six months prior to the client's application. *Id.* at 4. For a client that requests SER to prevent an eviction, the client's shelter obligation is the client's required payment. *Id.* If the client failed to pay her shelter obligation for any of the six months prior to the client's application, then the Department must determine whether the client had good cause for the month(s) that the client failed to pay her shelter obligation. *Id.* Good cause exists when the client's net countable income was less than the good cause amount specified in policy for the client's group size. ERM 204 (October 1, 2023), p. 2. For a group size of four, the good cause amount was \$270.00. *Id.* at 3.

Based on the evidence presented, it is unknown if Petitioner had a shelter obligation in August 2024, and it is unknown if Petitioner paid a shelter obligation for August 2024. Therefore, \$0.00 should be used for Petitioner's August 2024 shelter obligation. Petitioner did not fail to pay her shelter obligation for August 2024. For the months of September 2024 through December 2024, Petitioner's shelter obligation was \$2,000.00

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per month, and Petitioner paid \$0.00 towards her shelter obligation. Petitioner's net countable income was [REDACTED] per month, which exceeded the good cause amount of \$270.00 per month, so Petitioner did not have good cause for the months of September 2024 through December 2024. For the month of January 2025, Petitioner's shelter obligation was \$251.00, and Petitioner paid \$0.00 towards her shelter obligation. Petitioner's net countable income was [REDACTED] per month, which exceeded the good cause amount of \$270.00 per month, so Petitioner did not have good cause for January. Thus, Petitioner's total shelter obligation shortfall was \$8,251.00.

A client that requests SER to prevent an eviction is required to pay the shortfall amount to resolve her emergency. ERM 208 at 4. The Department cannot make an SER payment until the client has paid the shortfall amount. *Id.* In this case, Petitioner has a shortfall of \$8,251.00 that she must pay before the Department can make an SER payment. Petitioner's shortfall was equal to the amount needed to prevent an eviction from her home. Thus, the Department properly denied Petitioner's application for SER for eviction assistance.

Regarding Petitioner's application for SER for energy services, the Department properly denied Petitioner's application. A household may only receive one SER payment for heat and one SER payment for non-heat electricity per fiscal year. ERM 301 (December 1, 2024), p. 1. The state of Michigan's fiscal year runs from October 1 through September 31. On December 11, 2024, the Department made an SER payment to Petitioner for heat and non-heat electricity. Thus, the Department properly determined that Petitioner was not eligible for another payment for heat or non-heat electricity until October 1, 2025.

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),

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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

WASHTENAW COUNTY DHHS
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Interested Parties

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J. MCLAUGHLIN
E. HOLZHAUSEN
MOAHR

Via First Class Mail:

Petitioner

[REDACTED]
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[REDACTED] MI [REDACTED]