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JACKSON, MI 49201

**Date Mailed:** February 13, 2026  
**Docket No.:** 25-040919  
**Case No.:** 100300748  
**Petitioner:** ██████████

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

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

Este es un documento legal importante. Por favor, que alguien traduzca el documento.

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

**Date Mailed:** February 13, 2026

**Docket No.:** 25-040919

**Case No.:** [REDACTED]

**Petitioner:** [REDACTED]

### **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; 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 telephone conference on January 15, 2026. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS or Department) was represented by Rachel Meade, Hearing Coordinator (HC).

During the hearing proceeding, the Department's Hearing Summary packet was admitted as Exhibit A, pp. 1-23.

### **ISSUE**

Did the Department properly determine Petitioner's eligibility for State Emergency Relief (SER) for rent to prevent eviction?

### **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 [REDACTED] 2025, Petitioner applied for SER for assistance with heat, electricity, and eviction/relocation. (Exhibit A, pp. 1-17)
2. On October 17, 2025, the Department verified needed information for request for SER for heat and electric. (Exhibit A, p. 18)
3. On October 17, 2025, a SER Verification Checklist was issued to Petitioner requesting verification of the need for SER relocation with a due date of October 24, 2025. The requested proof was court order/judgement/summons. (Exhibit A, p. 19)
4. On October 22, 2025, the Department received a copy of an October 14, 2025 Judgment Landlord-Tenant from Petitioner showing the amount of rent to retain possession and costs total of \$2,424.60. The court found, by hearing, that the landlord has a right to recover possession of the property and stated the landlord

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could apply for an order evicting Petitioner if Petitioner does not pay or move out on or before October 24, 2025. (Exhibit A, p. 20)

5. On October 23, 2025, a SER Decision Notice was issued to Petitioner approving SER for the heat and electric with a copayment of \$219.11 due November 14, 2024 and denying SER for rent to prevent eviction based on not having a court ordered eviction notice. (Exhibit A, pp. 21-23)
6. On October 29, 2025, Petitioner filed a hearing request contesting the Department's determination regarding SER for rent. (Exhibit A, unnumbered pages)

### **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 relocation covered services include rent arrearage. Court costs and fees included in a judgment are an allowable cost for a rent to prevent eviction request. ERM 303, October 1, 2025, p. 1. Regarding documentation of need, the policy states that persons at imminent risk of homelessness must provide a court summons, order or judgment resulting from an eviction action. ERM 303, p. 3. Regarding legal notice, the policy states that a court summons, notice to appear, eviction order consent order for conditional dismissal, or judgment was issued which will result in the SER group becoming homeless. ERM 303, p. 3. Regarding verification of need amount, the policy states that an order of judgment, eviction order, or consent order for conditional dismissal showing amount required to prevent eviction is an allowable verification. ERM 303, p. 5. Regarding verification of potential homelessness, the policy states that a judgment, consent order for conditional dismissal, eviction order, court summons, or notice to appear regarding eviction are acceptable verification. The policy notes that a demand for possession non-payment of rent or a notice to quit is not sufficient. ERM 303, p. 6.

In this case, on [REDACTED] 2025, Petitioner applied for SER for assistance with heat, electricity, and eviction/relocation. (Exhibit A, pp. 1-17). On October 17, 2025, the Department verified needed information for request for SER for heat and electric. (Exhibit A, p. 18). On October 17, 2025, a SER Verification Checklist was issued to

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Petitioner requesting verification of the need for SER relocation with a due date of October 24, 2025. The requested proof was court order/judgement/summons. (Exhibit A, p. 19). On October 22, 2025, the Department received a copy of an October 14, 2025 Judgment Landlord-Tenant (Judgment) from Petitioner showing the amount of rent to retain possession and costs total of \$2,424.60. The court found, by hearing, that the landlord has a right to recover possession of the property and stated the landlord could apply for an order evicting Petitioner if Petitioner does not pay or move out on or before October 24, 2025. (Exhibit A, p. 20). On October 23, 2025, a SER Decision Notice was issued to Petitioner approving SER for the heat and electric with a copayment of \$219.11 due November 14, 2024 and denying SER for rent to prevent eviction based on not having a court ordered eviction notice. (Exhibit A, pp. 21-23).

However, the ERM 303 policy does not state that the only acceptable verification is an eviction order. Rather, the policy states that a judgement is an acceptable verification for documentation of need/homelessness. ERM 303, pp. 3-6. The notes in the ERM policy stating that a demand for possession non-payment of rent is not acceptable appears to relate to SCAO form DC 100a, Rev 5/22 titled "Demand for Possession Nonpayment of Rent" which is issued by a landlord to a tenant. <https://www.courts.michigan.gov/siteassets/forms/scao-approved/dc100a.pdf> The verification provided in this case was not a demand for possession non-payment of rent. The verification Petitioner provided was a Judgment which shows that a hearing was held and the court found that the landlord has a right to recover possession of the property. The Judgment provided a total of \$2,424.60 from the amount of rent to retain possession and costs and stated the landlord could apply for an order evicting Petitioner if Petitioner does not pay or move out on or before October 24, 2025. The Judgment specified that acceptance of partial payment of the total amount due will not prevent the court from issuing an order evicting Petitioner. (Exhibit A, p. 20). Accordingly, the Department's determination to deny the rent to prevent eviction portion of the SER request based on not having a court ordered eviction notice does not appear to be in accordance with the ERM 303 policy that states a Judgment is an acceptable verification.

It is noted that Petitioner's testimony indicated that the emergency was subsequently resolved. Petitioner stated that the Judgment did result in an eviction. However, Petitioner ended up getting herself turned around. Someone else came through to help Petitioner. (Petitioner Testimony). Pursuant to ERM 103 policy, an SER payment must resolve the emergency and cannot be issued to reimburse expenses incurred or paid without prior Department approval. ERM 103, October 1, 2025, p. 3. Further, ERM 101 policy requires applicants to have an emergency which threatens health or safety and can be resolved through issuance of SER, and to take action within their ability to help themselves, such as obtaining potential resources. Accordingly, if the emergency has

since been resolved, for example if another resource provided the needed assistance with rent to prevent eviction, SER could not be approved at this point to reimburse expenses that were paid to resolve the emergency.

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**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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it determined Petitioner's eligibility for SER for rent to prevent eviction.

Accordingly, the Department's decision **REVERSED**.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Redetermine Petitioner's eligibility for SER for rent to prevent eviction for the [REDACTED] 2025 application in accordance with Department policy.

\_\_\_\_\_  
*Colleen Lack*

**COLLEEN LACK  
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](https://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](mailto: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:**

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**Via First Class Mail:**

**Petitioner**  
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