

Date Mailed: February 4, 2026

Docket No.: 25-044828

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 7, 2026. Petitioner appeared and was unrepresented. [REDACTED] wife, appeared as a witness for Petitioner. The Michigan Department of Health and Human Services (MDHHS or Department) was represented by Amber Gibson, Hearing Facilitator (HF).

During the hearing proceeding, the Department's Hearing Summary packet was admitted as Exhibit A, pp. 1-18.

ISSUE

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

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's spouse applied for SER for assistance with rent to prevent eviction in the amount of \$3,373.90. The household members were Petitioner and his spouse. Employment income from [REDACTED] of [REDACTED] per week was reported for Petitioner's spouse. (Exhibit A, pp. 6-11)
2. The Department initially budgeted [REDACTED] for the household income in the 30 day countable income period. This was based on the reported income from [REDACTED] from a prior job, and [REDACTED] from employment as a Home Help Services (HHS) provider. It was noted that Petitioner's spouse had five pay dates in the 30 day period, September 30, 2025 to [REDACTED] 2025. This resulted in a copayment of \$4,954.38. (Exhibit A, pp. 14-15; HF Testimony).
3. On November 7, 2025, a SER Decision notice was issued to Petitioner denying the SER request because the total of the copayment amount was greater than the amount needed to resolve the emergency. (Exhibit A, pp. 16-18)

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4. On November 17, 2025, Petitioner filed a hearing request contesting the Department's determination. (Exhibit A, pp. 3-5)
 5. The Department subsequently removed the [REDACTED] from the household income because that job had ended. This resulted in a copayment of \$4,196.89, which still exceeded the SER need amount of \$3,272.90. (Exhibit A, pp. 14-15; HF Testimony).

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.

The Department must determine SER eligibility for the group as a whole. The Department is to verify income, assets and potential resources of all group members. ERM 201, October 1, 2023, p. 1.

A single SER group consists of persons who occupy the same home. Home means the place where the members of the SER group keep their personal belongings and sleep. ERM 201, October 1, 2023, p. 1.

Adults and dependent children who normally live together are in the same SER group. ERM 201, October 1, 2023, p. 1.

SER relocation services includes providing assistance with rent arrearage. ERM 303, October 1, 2025.

SER may not assist a group who failed to use their available money to prevent an emergency. A client-caused emergency is when an SER group fails to pay required payments for the six-month period prior to the month of application. Include all members who were in the home and not excluded for each month. ERM 204, October 1, 2023.

If an application is made for Cooking Gas, Rent to Prevent Eviction, Rent to Relocate, Security Deposit, Moving Expenses, Mortgage/Land Contract, Home Owners Insurance, or Mobile Home Lot Rent, a determination of required payments must be made. Required payments are determined based on the group size, the group's income and the obligation to pay for the service that existed during each month of the six months prior to application; see ERM 204, ERM 302, ERM 303, and ERM 304. If the client failed without good cause to make required payments, a shortfall amount is determined. The

client must pay the shortfall amount toward the cost of resolving the emergency. Verification that the shortfall has been paid must be received before any SER payment can be made. ERM 208, October 1, 2025, p. 4. The Shelter Obligation Amount is the amount the household is obligated to pay for their housing costs each month. The Paid Amount field is the amount that was actually paid for the 6 months prior to the SER application. ERM 208, October 1, 2025, p. 4.

Good cause may exist as a basis for an applicant's failure to prevent an emergency. Good cause is determined separately for each of the six months. ERM 204, October 1, 2023, p. 1. The policy indicates there are two types of good cause:

Good Cause - Failure to Meet Obligations

Good cause for failure to meet obligations for shelter or cooking gas exists if:

- The SER group's net countable income from all sources during each month the group failed to pay their obligations was less than the amount shown for the SER group size in the good cause table in this item.
- The income was not reduced by a disqualification of SSI or department benefits for failure to comply with a program requirement.

Note: This includes income of people who were in the group during the required payment period.

Good Cause - Unexpected Expenses

If the emergency resulted from unexpected expenses related to maintaining or securing employment, verify expenses for each month the group failed to pay their obligations. The employment related expenses must equal or exceed the monthly obligation. Payment differences are the responsibility of the SER group.

ERM 204, October 1, 2023, p. 2.

The SER budget computation period is 30 days. This is referred to as the countable income period. The first day of the countable income period is the date the local office receives a signed application for SER. ERM October 1, 2025, p. 1. The Department is to verify and budget all non-excluded gross income the SER group expects to receive during the countable income period. ERM October 1, 2025, p. 1.

SER group members must use their available income and cash assets that will help resolve the emergency. ERM 208, October 1, 2025, p. 1. Regarding the asset

copayment, policy states that in most cases cash assets in excess of \$15,000 will result in a denial. Regarding the income copayment, A group is eligible for non-energy SER services with respect to income if the total combined monthly net income that is received or expected to be received by all group members in the 30-day countable income period does not exceed the standards found in the SER Income Need Standards for All Non-Energy Services (Except Water/Sewer) at the end of this item. Income that is more than the basic monthly income need standard for the number of group members must be deducted from the cost of resolving the emergency. This is the income copayment. ERM 208, October 1, 2025, p. 1.

The income and asset copayments combined together determine the SER group's total copayment. The total copayment is the amount the SER group must pay toward their emergency. Copayment amounts are deducted from the cost of resolving the emergency. The policy provides examples including this scenario: the applicant has an eviction for \$100.00. The shortfall copayment is \$15.00 and the income copayment is \$100.00. Subtract the total \$115.00 copayment from the \$100.00 need. SER is denied because the copayment exceeds the need. ERM 208. October 1, 2023, p. 2.

The Department denied the SER application for rent to prevent eviction because the income copayment amount was greater than the amount needed to resolve the emergency.

On [REDACTED] 2025, Petitioner's spouse applied for SER for assistance with rent to prevent eviction in the amount of \$3,373.90. The household members were Petitioner and his spouse. Employment income from [REDACTED] of [REDACTED] per week was reported for Petitioner's spouse. (Exhibit A, pp. 6-11).

The Department initially budgeted [REDACTED] for the household income in the 30 day countable income period. This was based on the reported income from [REDACTED] [REDACTED] from a prior job, and [REDACTED] from employment as a HHS provider. It was noted that Petitioner's spouse would have had five pay dates in the 30 day period, September 30, 2025 to [REDACTED] 2025. This resulted in a copayment of \$4,954.38. (Exhibit A, pp. 14-15; HF Testimony). Accordingly, on November 7, 2025, a SER Decision notice was issued to Petitioner denying the SER request because the total of the copayment amount was greater than the amount needed to resolve the emergency. (Exhibit A, pp. 16-18).

The Department subsequently recalculated the income copayment after removing [REDACTED] from the household income because that job had ended. This resulted in a copayment of \$4,196.89, which still exceeded the SER need amount of \$3,272.90. (Exhibit A, pp. 14-15; HF Testimony).

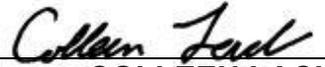
Petitioner's spouse testified that she had not worked for the other employer since 2024. Employment income from employment with [REDACTED] and as an HHS provider was not disputed. Petitioner's spouse noted that the take home pay after taxes is much less than the gross pay. Petitioner's spouse also explained that they are in the process of seeking disability benefits for Petitioner. (Spouse Testimony).

The ERM 206 policy requires the Department to utilize the gross income in the 30-day countable income period. The copayment calculation includes a mandatory tax deduction of 25%. The Department properly re-calculated the income copayment after removing the [REDACTED] of income from the job that ended. The resulting copayment of \$4,196.89 still exceeded the need amount of \$3,272.90. (Exhibit A, pp. 14-15; HF Testimony). Accordingly, the Department properly determined SER eligibility when it recalculated the copayment with the corrected income. The denial of the SER application must be upheld.

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 Department policy when it determined Petitioner's eligibility for State Emergency Relief (SER).

Accordingly, the Department's decision is **AFFIRMED**.



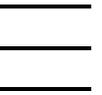
COLLEEN LACK
ADMINISTRATIVE LAW JUDGE

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. 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.



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