



Date Mailed: February 13, 2026

Docket No.: 25-048567

Case No.: [REDACTED]

Petitioner: [REDACTED]

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

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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 February 11, 2026. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS or Department) was represented by Brandy Brown, Eligibility Specialist.

ISSUE

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

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 December [REDACTED] 2025, the Department received Petitioner's SER application. Petitioner requested assistance for a household of one for rent to prevent eviction and heat. Exhibit A, pp. 8-13.
2. Petitioner's monthly rent was \$[REDACTED] and did not include utilities.
3. Petitioner's monthly income was \$[REDACTED] Exhibit A, p. 11.
4. On December [REDACTED] 2025, the Department received Petitioner's court documents for her landlord tenant eviction case in the 36th District Court.
5. On December [REDACTED] 2025, the Department sent Petitioner a SER Decision Notice (SERDN) that informed Petitioner her SER application for rent to prevent eviction was denied because Petitioner's shelter was not affordable according to SER requirements. Exhibit A, pp. 14-16.
6. On December 29, 2025, the Department received Petitioner's request for hearing that disputed the denial of SER for rent to prevent eviction. Exhibit A, pp. 3-6.

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.

In this case, Petitioner disputed the Department's denial of her December █ 2025 SER application that requested rent to prevent eviction and assistance with heat. The Department explained it denied the SER application because Petitioner's shelter did not pass the affordability test. No information was provided regarding any approval or denial of Petitioner's request for assistance with heat.

Housing affordability is a condition of eligibility for SER and applies only to Relocation Services (ERM 303) and Home Ownership Services and Home Repairs (ERM 304). ERM 207 (October 2020), p. 1. The Department will authorize SER for services only if the SER group has sufficient income to meet ongoing housing expenses. The Department will deny SER if the group does not have sufficient income to meet their total housing obligation. The total housing obligation cannot exceed 75 percent of the group's total net countable income. *Id.* The Department determines whether an SER group meets the Housing Affordability requirement by multiplying the group's total net countable income by 75 percent. *Id.*, p. 2. The result is the maximum total housing obligation the group can have based on their income and be eligible for SER housing services. The Department must determine if there are any increases in the basic 75 percent test if the group is renting and heat, electric or water/cooking gas is included in the rent. *Id.* The Department will verify and budget all non-excluded gross income the SER group expects to receive during the countable income period. ERM 206 (October 2024), p. 1. Earned income includes earnings from self-employment. *Id.*, p. 2. Net income from employment or self-employment must be determined by deducting allowable expenses of employment from the gross amount received. *Id.*, p. 5. Allowable expenses include mandatory withholding taxes (25 percent of the gross for employment and 50 percent for self-employment); deductions required by employer as a condition of employment; deductions for health insurance; court-ordered child support paid, including arrears; and the cost of dependent care. *Id.*, p. 5.

Here, Petitioner's monthly gross income was \$█ and rental obligation was \$█ and did not include utilities. Petitioner testified that she earned income by selling items from her home. As such, Petitioner's income was self-employment income. BEM 502 (October 2025), pp. 1-2. In determining net income from self-employment,

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allowable deductible expenses include a 50 percent deduction for mandatory withholding taxes. No evidence was presented regarding other applicable allowable expenses. Thus, Petitioner's monthly net income is \$[REDACTED]. The Department determines whether an SER group meets the Housing Affordability requirement by multiplying the group's total net countable income by 75 percent. Petitioner's monthly net income of \$[REDACTED] multiplied by 75 percent is \$[REDACTED]. The resulting \$[REDACTED] is the maximum total housing obligation the group can have based on their income and be eligible for SER housing services. Petitioner's housing obligation of \$[REDACTED] exceeded 75 percent of the group's total net countable income. The Department properly denied the December [REDACTED] 2025 SER application for rent to prevent eviction because Petitioner's group did not have sufficient income to meet their total housing obligation.

Petitioner's December [REDACTED] 2025 SER application also requested assistance with heat. The Department did not present a SERDN regarding the approval or denial of this request. The Department must inform all SER applicants in writing of the decision made on their application. ERM 103 (October 2024), p. 4. Clients have the right to contest a Department decision affecting eligibility or benefit levels, including termination of program benefits, when the client believes the decision is incorrect. BAM 600 (June 2024), pp. 1, 5. The Department's hearing packet included no documentation related to the processing or denial of the SER request for assistance with heat. Thus, there was insufficient evidence to determine whether the Department acted in accordance with policy when processing that portion of Petitioner's December [REDACTED] 2025 SER application.

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 denied Petitioner's December [REDACTED] 2025 SER application for rent to prevent eviction due to the SER group failing the housing affordability requirement. However, the Department failed to meet its burden of establishing that it properly determined Petitioner's eligibility for SER assistance with heat as requested in the December [REDACTED] 2025 application.

DECISION AND ORDER

Accordingly, the Department's decision is **REVERSED only as to the request for SER assistance with heat.**

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. Reregister and reprocess Petitioner's December █ 2025 SER application for assistance with heat, requesting additional verifications if necessary;
2. If eligible for SER assistance with heat, supplement Petitioner and/or her SER provider for any SER payment that she was eligible to receive but did not from December █ 2025, ongoing; and
3. Notify Petitioner in writing of its decision.



JULIA NORTON
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://rs.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

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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
WAYNE-HAMTRAMCK-DHHS
12140 JOSEPH CAMPAU
HAMTRAMCK, MI 48212
**MDHHS-WAYNE-55-
HEARINGS@MICHIGAN.GOV**



Via First Class Mail:

Petitioner

[REDACTED]
[REDACTED]
[REDACTED]