



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
Christopher Seppanen
Executive Director

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: April 26, 2016
MAHS Docket No.: 16-002787
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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. After due notice, telephone hearing was held on April 19, 2016, from Lansing, Michigan. Participants on behalf of Petitioner included her attorneys [REDACTED] and [REDACTED]. Assistant Attorney General [REDACTED] represented the Department of Health and Human Services (Department). Witnesses on behalf of the Department included [REDACTED] (Hearing Facilitator).

ISSUE

Did the Department of Health and Human Services (Department) properly determine the amount of State Emergency Relief (SER) benefits available to the Petitioner for assistance with water services?

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 September 9, 2015, the Department received the Petitioner's State Emergency Relief (SER) application requesting assistance with energy services and a water bill. Exhibit A, pp 6 - 24.
2. On September 18, 2015, the Department notified the Petitioner that it had denied her request for State Emergency Relief (SER) benefits for assistance with energy services. The request for assistance with the water bill was not addressed properly. Exhibit A, pp 25 - 27.

3. On October 1, 2015, the Department received the Petitioner's State Emergency Relief (SER) application requesting assistance with electric and water bills. Exhibit A, pp 28 – 48.
4. The October 1, 2015, State Emergency Relief (SER) application requested \$ [REDACTED] past due obligation for water bill and \$ [REDACTED] for sewer service. Exhibit A, p 50.
5. On October 13, 2015, the Department notified the Petitioner that she was approved for State Emergency Relief (SER) for assistance with her water bill with a \$ [REDACTED] co-payment and the Department issued \$ [REDACTED] of SER benefits. Exhibit A, pp 51 – 52.
6. On October 26, 2015, the Department received the Petitioner's request for a hearing, which was written on a December 18, 2015, State Emergency Decision Notice where benefits had been denied for failure to verify necessary information. Exhibit A, p 2.
7. On December 10, 2015, the Department received the Petitioner's State Emergency Relief (SER) application for assistance with electricity and water bills. Exhibit A, pp 53 – 69.
8. On December 11, 2015, the Department sent the Petitioner a SER Verification Checklist (DHS-3503-SER) requesting verification of assets by December 18, 2015. Exhibit A, p 70.
9. On December 18, 2015, the Department notified the Petitioner that it had denied her State Emergency Relief (SER) requesting assistance with electricity and water bills for failure to verify necessary information. Exhibit A, pp 73 – 75.
10. On December 22, 2015, the Department received the Petitioner's State Emergency Relief (SER) application requesting assistance with electricity and water bills. Exhibit A, pp 76 – 94.
11. On December 28, 2015, the Department sent the Petitioner a SER Verification Checklist (DHS-3503-SER) requesting verification of assets and housing expenses by January 4, 2016. Exhibit A, pp 95 – 96.
12. On January 5, 2016, the Department notified the Petitioner that her request for State Emergency Relief (SER) benefits for assistance with her water bill was approved with a \$ [REDACTED] co-payment and SER benefits of \$ [REDACTED] Exhibit A, pp 99 - 100.
13. On February 2, 2016, the Michigan Administrative Hearing System (MAHS) dismissed the Petitioner's request for a hearing where the Department was not aware of which action was being protested and accepted the Department's

stipulation that the Department would reprocess the request for a hearing received by the Department on October 26, 2015. Exhibit A, pp 105 – 106.

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 helps to restore or prevent shut off of a utility service specified in this item when service is necessary to prevent serious harm to SER group members. Department of Health and Human Services Emergency Relief Manual (ERM) 302 (October 1, 2013), p 1.

The Department will approve payment up to the fiscal year cap if it will resolve the emergency and if the provider will maintain or restore service for at least 30 days. The Department tracks all service authorizations and cap limits for each individual. ERM 302, p3.

A payment for water or cooking gas services, or both, shall not be approved if the payment would cause the water or cooking gas, or both, fiscal year cap to be exceeded. R 400.7030 (3).

Requests for SER become an application on the day the signed DHS-1514 is received in a local office. For electronic applications, the application date is determined based on the time and date of submission. Any application submitted after 5:00 pm or on a non-business day will have an application date of the next business day. Department of Health and Human Services Emergency Relief Manual (ERM) 103 (October 1, 2015), p 2.

The application date is the first day of the 30-day SER eligibility period. If the application is approved, the 30-day eligibility period does not change regardless of how many service requests the client may make during that period. If the application is denied and the client reapplies, a new 30-day period will start with that new application date. ERM 103, p 2.

If additional SER services are requested during the approved 30-day eligibility period, a new application is not needed and the application date cannot be changed. Every additional request made during the approved 30-day eligibility period is entered into

Bridges as an additional SER service request and is subject to the original 30-day eligibility period. ERM, 103, p2.

On September 9, 2015, the Department received the Petitioner's SER application requesting energy services. The request for energy services was denied because the request was not received during the SER crisis season. Department of Health and Human Services Emergency Relief Manual (ERM) 301 (October 1, 2015), p 1. The Department did not approve or deny the Petitioner's request for assistance with her water bill.

On October 1, 2015, the Department received another SER application from the Petitioner. Since no benefits were approved with respect to the September 9, 2015, SER application, the October 1, 2015, application is considered a new application period as directed by ERM 103. On October 13, 2015, the Department approved the Petitioner's SER application with respect to the assistance with her water bill. The Petitioner's emergency need of \$ [REDACTED] was resolved by the approval of SER funds on October 13, 2015, with a Department payment of \$ [REDACTED] and a client co-payment of \$ [REDACTED].

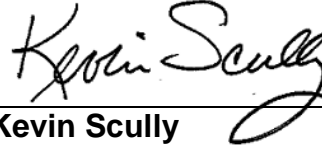
The Petitioner's representative argued that benefits should have been approved within 10 days of the submission of the September 9, 2015, SER application. The Petitioner's representative argued that the Department's failure to approve this application in a timely manner required the Petitioner to use up her benefits after the change of fiscal years, and prevented her from obtaining benefits in the new fiscal year that she would have been entitled to if her September 9, 2015, application had been approved.

The October 13, 2015, approval of the Petitioner's SER application resolved her emergency with respect to the threat that her water and sewer services would be shut off by the utility company. This Administrative Law Judge finds that there are no benefits the Petitioner is eligible for with respect to the September 9, 2015, SER application because her emergency has been resolved.

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 the amount of State Emergency Relief (SER) benefits available to the Petitioner with respect to her obligation to pay for water services.

DECISION AND ORDER

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



KS/las

Kevin Scully
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

NOTICE OF APPEAL: A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088; Attention: MAHS Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

DHHS

[REDACTED]

[REDACTED]

Counsel for Respondent

[REDACTED]

Petitioner

[REDACTED]

Counsel for Petitioner

[REDACTED]