



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: January 25, 2017
MAHS Docket No.: 16-017472
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Darryl Johnson

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 telephone hearing was held on January 5, 2017, from Lansing, Michigan. The Petitioner appeared on her own behalf. The Department of Health and Human Services (Department) was represented by Family Independence Manager [REDACTED] [REDACTED] and Family Independence Specialist [REDACTED] [REDACTED].

ISSUE

Did the Department properly deny Petitioner's application 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 April 18, 2016, Petitioner applied for SER and other benefits.
2. On April 19, 2016, a State Emergency Relief Decision Notice was issued, denying Petitioner's SER application because there was not a furnace or a hot water heater in a home she was purchasing, and the Department considered replacement of those items would be an improvement to the home.
3. Petitioner protested that Decision, and in a Decision from Administrative Law Judge Aaron McClintic dated June 6, 2016, the Department was ordered to

reprocess her SER application and award Petitioner SER if she was found otherwise eligible.

4. On October 27, 2016, Petitioner applied again for SER, requesting \$ [REDACTED] to connect a water line from the street to her home. In an estimate she provided, (Exhibit 1 Page 37) a plumber said it was an “estimate to dig up existing ¾” copper water service on left side of porch and make a flare connection. Run water line under footing and through crawl space and bring up to utility room. Install a flare and gate valve.”
5. On November 7, 2016, the Department mailed an Application Notice (Exhibit 1 Page 3) informing Petitioner she was not eligible for SER.
6. The Department received Petitioner’s hearing request on November 14, 2016, protesting the denial of her SER application.

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 has a lengthy history of SER applications, going at least as far back as July 13, 2006. See Exhibit 1 Pages 32-35. On February 16, 2016, she acquired a home in the city of [REDACTED] (Page 31) for \$ [REDACTED]. She applied for SER on April 18, 2016, for financial help to pay for a hot water heater and a furnace in the home. Exhibit 1 Page 34 indicates she applied for SER of \$ [REDACTED] for repairs to the basic structure and \$ [REDACTED] for repair or replacement of her furnace on March 1, 2016. She applied for the same assistance on March 14, 2016. On April 1, 2016, she requested \$ [REDACTED] for the furnace and \$ [REDACTED] for structural repairs. On April 5, 2016, she requested \$ [REDACTED] for repairs to the basic structure. On April 18, 2016, she requested \$ [REDACTED] for the furnace, and \$ [REDACTED] for structural repairs. On that same date are entries showing requests of \$ [REDACTED] for the furnace and \$ [REDACTED] for the structure. All of those applications indicate they were denied. The furnace and the water heater repairs were denied because there was no running water supply to the home.

Emergency Relief Manual 304 (10/1/15) is the Home Ownership policy for SER. ERM 304 covers non-energy-related home repairs, energy-related home repairs, and other services. Repair or replacement of a non-functioning furnace is the only allowable

energy-related home repair, and the lifetime maximum for energy-related home repairs is \$ [REDACTED]. Non-energy-related repairs include all home repairs for client-owned housing except for furnace repair or replacement. Examples include plumbing. ERM 304, p. 3. The lifetime maximum for non-energy-related home repairs is \$ [REDACTED] per SER group. Id. Such repairs can only be authorized “if the repair(s) is essential to remove a direct threat to health or safety or is required by law or a mobile home park regulation. The repair(s) must restore the home to a safe, livable condition.” ERM 304, p. 3. There are several conditions that must be met, which are found at ERM 304, pp. 4-5. The Department cannot “approve any home ownership services payments for homes that are not in a livable condition or cannot be brought to a livable condition within the remaining SER home repair limit.” “The amount to be authorized [cannot] exceed the home ownership services maximum of \$ [REDACTED], the energy-related home repair maximum of \$ [REDACTED], or the non-energy-related home repair maximum of \$ [REDACTED] and the issuance amount [must] resolve the emergency.” ERM 304, p. 4-5.


Petitioner has requested \$ [REDACTED] for the furnace. She requested \$ [REDACTED] to \$ [REDACTED] for repairs to the basic structure (water heater). Administrative Law Judge McClintic ordered the Department to reprocess her application for those benefits. Now, she is requesting \$ [REDACTED] for plumbing repairs. Petitioner stated in her application that she has no liquid assets. Exhibit 1 Page 19. She has no vehicles or other assets. The only asset she owns is the home. She is not employed. The non-energy-related home repair maximum is \$ [REDACTED] but she has requested \$ [REDACTED]. She testified that she does not have a working furnace or water heater in the home. She also testified that she could get a water heater from Habitat for Humanity for \$ [REDACTED] although she has not applied for any assistance with Habitat for Humanity. She could not explain how, if she received the \$ [REDACTED] maximum, she would be able to put the home in a livable condition, when the \$ [REDACTED] will not pay the \$ [REDACTED] estimate. The issuance of \$ [REDACTED] in SER will not resolve the emergency.

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 denied Petitioner’s SER application for assistance with plumbing.

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

DJ/mc



Darryl Johnson
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]

Petitioner

[REDACTED]