



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 27, 2017
MAHS Docket No.: 16-018958
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 24, 2017, from Lansing, Michigan. The Petitioner appeared on her own behalf. The Department of Health and Human Services (Department) was represented by Hearings Facilitator [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. Petitioner applied for SER on September 16, 2016, to assist her with paying her water bill.
2. On September 19, 2016, her application was denied.
3. Following Petitioner's request for a hearing, Administrative Law Judge Michael J. Bennane conducted a hearing and, in a Decision dated November 16, 2016, he ordered the Department to recalculate Petitioner's eligibility for SER. (Exhibit 1 Pages 1-3).

4. On November 22, 2016, the application was reprocessed and it was found that Petitioner could receive \$ [REDACTED] in SER for her water bill, provided she made a required income copayment of \$ [REDACTED] and a client contribution of \$ [REDACTED] (Page 7). A SER Decision Notice was mailed November 22, 2016, (Pages 4-7) informing her of that decision.
5. More than 60 days had passed since Petitioner's original application and she had not fulfilled her payment obligation, and her SER payment was denied as of November 22, 2016.
6. On November 28, 2016, Petitioner contacted the Department to inquire about the SER and she was told that the Department would still provide the payment if she submitted verification by December 21, 2016, that she had paid her portion.
7. Petitioner submitted a hearing request on December 3, 2016, protesting the verbal denial of her SER application.
8. As of the January 24, 2017, hearing, Petitioner still had not paid her required contributions toward the water bill.

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 sought assistance so she could pay her water bill. As explained in ERM 302 (10/1/13) p. 1, "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." The Department can make "Payment of an arrearage to maintain or restore service for the following utilities: water, sewer, or cooking gas. The payment must restore or continue service for at least 30 days at the current residence. However, payments for current charges are not allowed." The maximum the Department can pay for a group is \$ [REDACTED] per fiscal year for water/sewer/cooking gas. ERM 302, p. 3. A critical condition for receiving SER is that, "The SER payment must resolve the emergency." ERM 103 (2/1/17) p. 3.

In this case, the maximum Petitioner could have received for SER is \$ [REDACTED]. She had an outstanding bill of \$ [REDACTED]. Even if the Department paid the maximum, Petitioner would

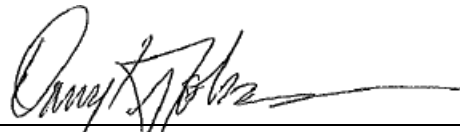
still need to pay the remaining \$ [REDACTED] If she lacked the funds to do so, that is unfortunate, but the consequence is that the Department could not make the payment because it would not resolve the emergency.

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 payment of SER for Petitioner's benefit.

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]