



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: February 15, 2017
MAHS Docket No.: 16-018763
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Vicki Armstrong

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 - 273.18; 42 CFR 431.200 - 431.250; 45 CFR 99.1 - 99.33; and 45 CFR 205.10; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on January 31, 2017, from Lansing, Michigan. Petitioner personally appeared and testified.

The Department of Health and Human Services (Department) was represented by Hearing Facilitator [REDACTED]. The record was closed at the conclusion of the hearing.

ISSUE

Did the Department properly deny Petitioner's State Emergency Relief (SER) application?

FINDINGS OF FACT

The Administrative Law Judge, based on competent, material, and substantial evidence on the whole record, finds as material fact:

1. On November 7, 2016, Petitioner applied for SER, requesting assistance with her electric and water bills. [Dept. Exh. 4-21].
2. On November 15, 2016, the Department issued a State Emergency Relief Decision Notice to Petitioner indicating the Department would not make any copayments until Petitioner's entire copayment for each service was paid. The Notice stated that Petitioner must pay the electric portion which was denied and the remainder of the water portion. The Notice indicates Petitioner's total copayment is \$ [REDACTED]. [Dept. Exh. 22-24].

3. Information from the Cash Assistance Department instructed the worker to “make sure that the decision notice states in the comment section that they have to pay the Electric amount and any co-pay for Water and Sewage before [the Department] pays[s] the remaining amount of Water and Sewage.” [Dept. Exh. 26].
4. Hearing Facilitator, [REDACTED], credibly testified that the State Emergency Relief Notice did not properly explain the reason for the denial. [REDACTED] explained that in this case, there was no emergency when Petitioner filed the SER application because the [REDACTED] will not shut off Petitioner’s electric during the winter. But, because the [REDACTED] was also Petitioner’s water company, the Department would not pay the remainder of Petitioner’s water bill, until Petitioner paid her total electric bill and her co-payment on her 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.

Low-income households who meet all State Emergency Relief (SER) eligibility requirements may receive assistance to help them with household heat and electric costs. ERM 301, p 1 (2/1/2017). When the group's heat or electric service for their current residence is in past due status, in threat of shutoff or is already shut off and must be restored, payment may be authorized to the enrolled provider. *Id.* at 2. The amount of the payment is the minimum necessary to prevent shutoff or restore service, not to exceed the fiscal year cap. *Id.* Payment must resolve the emergency by restoring or continuing the service for at least 30 calendar days. *Id.*

Funding for energy services assistance is provided through the Low Income Home Energy Assistance Program (LIHEAP). *Id.* at 1. For energy related emergencies, the SER crisis season runs from November 1 through May 31. *Id.* Requests for those services will be denied June 1 through October 31. *Id.* (Emphasis added).

In this case, Petitioner applied for SER on November 7, 2016, for assistance with her electric and water bills. On November 15, 2016, the Department issued a State Emergency Relief Notice which appeared to indicate that Petitioner only had to pay a

co-pay of \$ [REDACTED], and the Department would pay \$ [REDACTED] for non-heat electricity and \$ [REDACTED] towards her water bill.

However, the hearing facilitator explained that the Notice was incorrect. First, Petitioner was not in an emergency situation because her electric was through the [REDACTED] [REDACTED] who would not shut off electricity in the winter, therefore Petitioner's application for help with her electric bill was denied. However, because the [REDACTED] [REDACTED] was also Petitioner's water company, the Department would not assist Petitioner with her water bill until she paid her entire electric bill and her water bill co-pay.

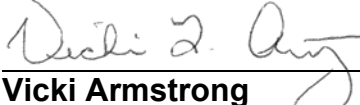
The hearing facilitator explained that this was the policy because if the Department were to pay a portion of Petitioner's water bill once Petitioner paid her water bill co-pay, the [REDACTED] [REDACTED] would credit that payment toward the electric bill, and Petitioner's water bill would remain unpaid. Petitioner listened to the full explanation and had no questions.

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.

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

VLA/bb



Vicki Armstrong
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]