



RICK SNYDER  
GOVERNOR

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

SHELLY EDGERTON  
DIRECTOR



Date Mailed: March 28, 2017  
MAHS Docket No.: 17-001157  
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 March 2, 2017, from Lansing, Michigan. The Petitioner represented himself. The Department was represented by [REDACTED] Eligibility Specialist, and [REDACTED] Family Independence Specialist.

### **ISSUE**

Did the Department of Health and Human Services (Department) properly deny Petitioner's State Emergency Relief (SER) application?

### **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 January 6, 2017, the Department received Petitioner's State Emergency Relief (SER) application.
2. On January 13, 2017, the Department notified Petitioner that it had denied his State Emergency Relief (SER) application. Exhibit A, p 3.
3. The Department determined through a collateral contact with Petitioner's utility provider that he is not in danger of having his utilities shutoff for nonpayment. Exhibit A, pp 12-13.
4. On January 23, 2017, the Department received Petitioner's request for a hearing protesting the denial of his State Emergency Relief (SER) application. Exhibit A, p 2.

### **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 benefits are available when 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 of SER benefits must resolve the emergency by restoring or continuing the service for at least 30 calendar days. Current bills that are not subject to shutoff should not be included in the amount needed. Department of Health and Human Services Emergency Relief Manual (ERM) 301 (February 1, 2017), p 2.

In this case, Petitioner applied for SER benefits on January 6, 2017. Petitioner failed to provide the Department with verification that his heat or electric utilities were in threat of shutoff, or were already shut off at this current residence. Therefore, the Department denied his application on January 13, 2017.

Petitioner testified that he has a past due obligation with his utility provider. Petitioner did not dispute that neither heat nor electric have been shutoff at this current residence or are in threat of being shutoff.


Petitioner is not eligible to receive SER benefits for an old account that is past due but no longer carries the treat of resulting in the shutoff of heat and electric utilities. Therefore, Petitioner is not eligible for SER benefits because he does not meet the criteria for receiving those benefits as directed by ERM 301.

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 State Emergency Relief (SER) application.

**DECISION AND ORDER**

Accordingly, the Department's decision is AFFIRMED.

KS/nr

  
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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]

[REDACTED]

[REDACTED]

[REDACTED]

**Petitioner**

[REDACTED]