



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: June 6, 2017
MAHS Docket No.: 17-004329
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Gary Heisler

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 May 4, 2017, from Lansing, Michigan. Petitioner was represented by himself. The Department was represented by Hearing Facilitator [REDACTED]

ISSUE

Did the Department properly process Petitioner's February 22, 2017, 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 February 22, 2017, Petitioner submitted a State Emergency Relief (SER) application for assistance with non-heat electric and heating.
2. On February 23, 2017, Petitioner participated in an interview as part of the State Emergency Relief (SER) application process. During the interview Petitioner requested assistance with his water bill. That was added to the State Emergency Relief (SER) application.
3. On February 23, 2017, Petitioner was sent a State Emergency Relief Decision Notice (DHS-1419) which stated that for: non-heat electricity, DHS would pay \$ [REDACTED] and Petitioner would pay \$ [REDACTED] for water or sewer, DHS would pay \$0.00 and Petitioner would pay \$ [REDACTED] and for heat – natural gas/wood/other DHS

would pay \$ [REDACTED] and Petitioner would pay \$0.00. The dates of approval ran from February 22, 2017 until March 23, 2017. The notice also stated "No DHS payment(s) will be made for any service(s) until you provide proof that you made your payment(s) shown above."

4. On March 2, 2017, Petitioner submitted verification that he made the required \$ [REDACTED] payment.
5. On March 23, 2017, Petitioner had not submitted verification of the required \$ [REDACTED] payment. The Department did not make any of the payments on behalf of Petitioner.
6. On March 29, 2017, Petitioner submitted a hearing request with no signature.
7. On April 10, 2017, Petitioner submitted a signed hearing request.

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.

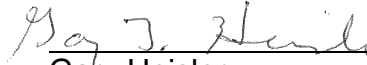
During this hearing Petitioner testified that his case worker told him that if he was not eligible for assistance with his water bill, she would take it off the application. It is noted that Petitioner was sent the State Emergency Relief Decision Notice (DHS-1419) on February 23, 2017 and had until March 23, 2017 to address any concerns he had with his required payments. Petitioner could have withdrawn the February 22, 2017 application and submitted another without requesting assistance with his water bill. The program rules are the rules and Petitioner had more than adequate notice of what was required to receive the approved assistance.

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 processed Petitioner's February 22, 2017, State Emergency Relief (SER) application.

DECISION AND ORDER

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

GH/nr



Gary Heisler
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]