



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: July 17, 2017  
MAHS Docket No.: 17-006258  
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 June 29, 2017, from Lansing, Michigan. Petitioner was represented by himself. The Department was represented by Assistance Payment Supervisor [REDACTED]

### **ISSUE**

Did the Department properly deny Petitioner's May 1, 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 January 9, 2017, Petitioner received LIHEAP funds from the Community Action Agency (CCA) which is a Michigan Energy Assistance Program (MEAP) grantee.
2. On May 1, 2017, Petitioner submitted a State Emergency Relief (SER) application to the Department for energy services.
3. On May 1, 2017, Petitioner was sent a State Emergency Relief Decision Notice (DHS-1419) which stated his application was denied because he due to receipt of another energy assistance program.
4. On May 2, 2017, Petitioner submitted a 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.

Petitioner does not dispute that he received assistance from the Community Action Agency (CCA). Petitioner requested this hearing because he believes it is wrong for the Department to deny him just because he received assistance from a different organization. State Emergency Relief Manual (ERM) 301 Energy Services (2-1-2017) provides:

Do not authorize an energy-related SER payment for a household when the head of household, or another adult group member, has already been assisted by a participating Michigan Energy Assistance Program (MEAP) grantee within the current fiscal year. Confirm the receipt of MEAP benefits through the energy provider or MEAP grantee directly.

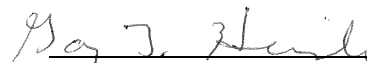
Deny a request for energy services if the energy provider or MEAP grantee has confirmed that the head of household or other adult group member has received, or is currently receiving, assistance from a MEAP provider for the current fiscal year. The DHS 1419 must refer the client back to the assisting MEAP grantee.

This denial does not mean that Petitioner cannot receive assistance, it simply means he has to receive the assistance through the Community Action Agency (CCA). 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 May 1, 2017 State Emergency Relief (SER) application.

### **DECISION AND ORDER**

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

GH/nr



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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]

**Petitioner**

[REDACTED]