



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: August 18, 2017  
MAHS Docket No.: 17-006697  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Colleen Lack**

**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; 42 CFR 438.400 to 438.424; 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 July 19, 2017, from Lansing, Michigan. [REDACTED], the Petitioner, appeared on her own behalf. The Department of Health and Human Services (Department) was represented by [REDACTED], Hearing Facilitator.

Petitioner had two telephone hearings scheduled for July 19, 2017, MAHS Docket No. 17-006697 at 10:00 am and MAHS Docket No. 17-006195 at 10:30 am. Both hearings involved actions taken by the Department. Accordingly, the telephone hearing proceedings were held in conjunction, but separate Hearing Decisions will be issued for each case.

During the hearing, the following exhibits were admitted into the record:

- Exhibit A            Department’s Hearing Summary Packet for MAHS Docket No. 17-006195 (pp. 1-3)
- Exhibit B            Department’s Hearing Summary Packet for MAHS Docket No. 17-006697 (pp. 1-3)
- Exhibit 1            Copies of applications the Department has received from Petitioner’s household (pp. 1-365)

## ISSUE

Did the Department properly determine Petitioner's household's eligibility for State Emergency Relief (SER) for the March 3, 2017, 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. Petitioner's household applied for SER on March 3, 2017<sup>1</sup>. (Exhibit B, p. 1; Exhibit 1, pp. 260-310)
2. In part, Petitioner's household reported they heat the home with natural gas, \$██████ was needed to restore the heat service, and \$██████ was needed to restore electric service. (Exhibit 1, pp. 281-283)
3. The SER payment limits in effect at the time of the March 3, 2017, application included fiscal year caps of \$██████ for heat-natural gas and wood, and \$██████ for non-heat electricity. ERM 301, February 1, 2017, pp. 10-11.
4. On March 6, 2017, a SER Decision Notice was issued to Petitioner's household indicating SER was approved. For the non-heat electricity the Department would pay \$██████ and Petitioner's household would pay \$██████. For the heat-natural gas/wood the Department would pay \$██████ and Petitioner's household would pay \$██████. This was based on unmet required payments (shortfall), income/asset copayment, and contributions from Petitioner's household and/or other sources. Additionally, it was stated that the Department would not pay for any services until Petitioner's household provides proof that they made their payment(s), which had to be returned by April 1, 2017. (Exhibit B, p. 3)
5. On March 17, 2017, the Michigan Administrative Hearing System received Petitioner's hearing request contesting the amounts the Department determined she was responsible to pay. (Exhibit B, 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).

---

<sup>1</sup> This application was submitted at 6:09 p.m. on March 2, 2017. As this was after 5:00 p.m. the application date is the next business date, March 3, 2017. ERM 103, February 1, 2017, p. 2.

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.

The ERM 103 addresses SER application procedures, in pertinent part:

### **Approval**

Certain conditions must be met before SER can be issued to help individuals and families whose health and safety are threatened:

- Prior written or oral approval must be given by an authorized department staff person before SER issuance.
- **Do not issue SER to reimburse expenses incurred or paid without prior department approval.**
- The SER payment must resolve the emergency.
- The group must meet all applicable policy requirements for the SER service.

ERM 103, February 1, 2017, p. 3  
(Underline added by ALJ)

The ERM 401 addresses SER payments, in pertinent part:

### **SER Authorization**

Do **not** authorize an SER payment **before** a service is provided, **or** before a SER group has made a required copayment, contribution, prorated or shortfall payment.

ERM 401, February 1, 2017, pp. 1-2.  
(Underline added by ALJ)

The SER payment limits in effect at the time of the March 3, 2017, application included fiscal year caps of \$[REDACTED] for heat-natural gas and wood, and \$[REDACTED] for non-heat electricity. ERM 301, February 1, 2017, pp. 10-11.

On the March 3, 2017, SER application, Petitioner's household reported they heat the home with natural gas, \$[REDACTED] was needed to restore the heat service, and \$[REDACTED] was needed to restore electric service. (Exhibit 1, pp. 281-283) Presumably the Department received all needed verifications, such as: the past due status, the threatened shutoff, a copy of the bills, and the household's income and assets.

On March 6, 2017, a SER Decision Notice was issued to Petitioner's household indicating SER was approved. For the non-heat electricity the Department would pay \$[REDACTED] and Petitioner's household would pay \$[REDACTED]. For the heat-natural gas/wood the Department would pay \$[REDACTED] and Petitioner's household would pay \$[REDACTED]. This was based on unmet required payments (shortfall), income/asset copayment, and contributions from Petitioner's household and/or other sources. Additionally, it was stated that the Department would not pay for any services until Petitioner's household provides proof that they made their payment(s), which had to be returned by April 1, 2017. (Exhibit B, p. 3)

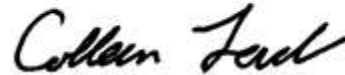
Petitioner contests the amounts the Department determined she was responsible to pay because her income is only \$[REDACTED] per month. Petitioner indicated the Department's determination was ridiculous. Petitioner asked for the help because she was not able to make these payments and emergency relief is to help keep the utilities on. Petitioner also noted that she does not qualify for low income efficiency programs. Petitioner was not aware that there were limits on what the Department can pay, but testified that anything would help. Petitioner asserted that if any type of payment was made to the utility company, she believes she would have been able to work out an arrangement with them regarding the rest. (Petitioner Testimony)

While the Department did not provide copies of any additional verifications received or the budgets showing how the amounts Petitioner's household was responsible to pay were specifically calculated, the submitted information is sufficient to address why the amounts were so high and why the Department would not at least pay their portions from the SER eligibility determination. The above cited ERM policy is clear that there are limits on the amounts the Department can pay for natural gas heat and non-heat electric. Based on the limits the Department can pay (\$[REDACTED] each for natural gas heat and non-heat electric) and the amounts needed to resolve the emergency (\$[REDACTED] total as reported on the SER application), the amount Petitioner's household was responsible to pay was going to be substantial. Further, the above cited ERM policy is clear that SER cannot be issued unless it resolves the emergency. Accordingly, the Department cannot just issue SER payments in the amounts they can pay without verification that the portion the SER group is responsible to pay has already been paid. This ensures that the emergency will actually be resolved with the SER payment from the Department.

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 determined Petitioner's household's eligibility for SER.

**DECISION AND ORDER**

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

A handwritten signature in black ink that reads "Colleen Lack". The signature is written in a cursive style and is contained within a rectangular box.

CL/db

---

**Colleen Lack**  
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]