



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: November 6, 2017
MAHS Docket No.: 17-009034
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 September 13, 2017, from [REDACTED] Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by [REDACTED] Eligibility Specialist and [REDACTED] Lead Eligibility Specialist.

ISSUE

Did the Department properly determine that the Petitioner had exceeding her lifetime maximum cap for non-energy home repair for State Emergency Relief (SER)?

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 June 19, 2017, the Petitioner applied for SER for assistance with a non-energy repair of a septic drain field in the amount of \$ [REDACTED] Department Exhibit 1, pgs. 17-21.
2. On June 21, 2017, the Department Caseworker sent the Petitioner a State Emergency Relief Decision Notice, DHS 1419, which stated that she has already reached her fiscal year service CAP and the amount requested is not available for payment for this service. Department Exhibit 1, pgs. 17-21.
3. On July 3, 2017, the Department received a hearing request from the Petitioner, contesting the Department's negative action.

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.

In this case, the Petitioner applied for SER for assistance with a non-energy home repair of a septic drain field in the amount of \$ [REDACTED] on June 19, 2017. Department Exhibit 1, pgs. 17-21. On June 21, 2017, the Department Caseworker sent the Petitioner a State Emergency Relief Decision Notice, DHS 1419, which stated that she has already reached her fiscal year service CAP and the amount requested is not available for payment for this service. Department Exhibit 1, pgs. 17-21. On July 3, 2017, the Department received a hearing request from the Petitioner, contesting the Department's negative action. ERM 304.

During the hearing, the Department testified that the Petitioner had already used \$ [REDACTED] toward her lifetime cap for non-energy home repair. The lifetime maximum for non-energy repair was \$ [REDACTED] according to the policy found in ERM 304 page 3. As a result, the Department properly determined that the Petitioner was not eligible for additional SER benefits for non-energy home repair.

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 the Petitioner's application for SER for a non-energy home repair because she had already exceeded her lifetime limit of \$ [REDACTED].

DECISION AND ORDER

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



CF/nr

Carmen G. Fahie
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]