



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: January 18, 2018
MAHS Docket No.: 17-016001
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Ellen McLemore

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 January 16, 2018, from Detroit, Michigan. Petitioner was present and represented herself. The Department of Health and Human Services (Department) was represented by Lynda Brown, Hearing Facilitator.

ISSUE

Did the Department properly deny Petitioner's application for State Emergency Relief (SER) benefits?

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 [REDACTED], 2017, Petitioner submitted an application for energy-related SER benefits (Exhibit B).
2. On November 8, 2017, the Department sent Petitioner a State Emergency Relief Decision Notice informing her that her application for SER benefits was approved but she was subject to a copay that she was required to pay by December 1, 2017 (Exhibit F).
3. On [REDACTED], 2017, Petitioner submitted an application for SER benefits for relocation services (Exhibit A).

4. On December 4, 2017, the Department sent Petitioner a State Emergency Relief Decision Notice informing her that her application for relocation SER benefits was denied due to the expiration of the 30-day authorization period.
5. On December 7, 2017, Petitioner submitted a request for hearing disputing the Department's actions regarding the denial of her SER application for relocation services.

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, Petitioner submitted an application for energy-related SER benefits on [REDACTED], 2017. Petitioner requested assistance with the cost of her heating expenses. On November 8, 2017, the Department sent Petitioner a State Emergency Relief Decision Notice informing her that her application was approved and that she was subject to a \$594 copayment. Proof of the copayment was due by December 1, 2017.

SER group members must use their available income and cash assets that will help resolve the emergency. ERM 208 (February 2017), p. 1. The total copayment is the amount the SER group must pay toward their emergency. ERM 208, p. 2. The Department will not authorize an SER payment before a service is provided or before a SER group has made a required copayment, contribution or prorated shortfall. ERM 401 (February 2017), pp 1-2. The SER authorization period is 30 days. ERM 401, p. 2. The authorization period begins on the date the Department receives a signed application for SER and ends 29 days later. ERM 401, p. 2. Additional requests for any SER service during the authorization period is entered by the Department as an additional service, not as a new application. ERM 401, p. 2. Any copayments, shortfalls or contributions that must be paid are subject to the authorization period end date, regardless of the date the service is requested. ERM 401, p. 2.

On [REDACTED], 2017, Petitioner submitted another SER application for relocation services. The Department considered the second application as an additional request for service, as it was submitted within the 30-day authorization period of the [REDACTED], 2017 application. Petitioner did not submit proof of her copayment by December 1, 2017. Therefore, the Department acted in accordance with policy when it denied

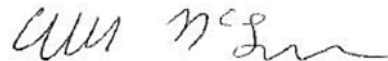
Petitioner's [REDACTED], 2017 application for SER benefits, as per policy, the authorization period end date was December 1, 2017.

DECISION AND ORDER

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 application for SER benefits.

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

EM/cg



Ellen McLemore
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

Via Email:

MDHHS-Macomb-20-Hearings
T. Bair
E. Holzhausen
BSC4- Hearing Decision
MAHS

Petitioner – Via First-Class Mail:

