



RICK SNYDER  
GOVERNOR

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

SHELLY EDGERTON  
DIRECTOR

[REDACTED]

Date Mailed: January 5, 2018  
MAHS Docket No.: 17-015454  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Amanda M. T. Marler**

**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 4, 2018 from Detroit, Michigan. The Petitioner was self-represented. The Department of Health and Human Services (Department) was represented by [REDACTED], Hearings Facilitator.

**ISSUE**

Did the Department properly calculate a \$ [REDACTED] copay as a result of Petitioner's submission of a State Emergency Relief (SER) application seeking assistance with home repairs?

**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 September 12, 2017, Petitioner provided the Department an estimate dated September 7, 2017 for "replacement of sewer line from rear of house to rise at property line...landscape will be left at rough grade only" from [REDACTED] totaling \$ [REDACTED] (Exhibit A, p. 5.)
2. On September 18, 2017, Petitioner submitted an application for SER to the Department, checking the box for home repairs as her Emergency Need and listing [REDACTED] as the value of the repair. (Exhibit A, pp. 1-3.)
3. On the same day, Petitioner also submitted an estimate dated January 7, 2016 from [REDACTED] for "removal of one cotton

wood tree at back yard over house, everything taken away...” totaling \$ [REDACTED] (Exhibit A, p. 4.)

4. On October 16, 2017, the Department issued a State Emergency Relief Decision Notice to Petitioner indicating that the Department would pay \$ [REDACTED] for the repairs so long as the Petitioner paid \$ [REDACTED] by October 17, 2017 as her contribution. (Exhibit B)
5. On October 26, 2017, Petitioner’s hearing request disputing the calculation of the \$ [REDACTED] contribution was marked as received by the Department.

### **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 Department calculated a \$ [REDACTED] contribution for the repair of Petitioner’s sewer. SER payments assist with home repairs to correct unsafe conditions and restore essential services. ERM 304 (October 2015), p. 1. Non-energy-related repairs include all home repairs for client-owned housing except furnace repair or replacement including things such as septic or waste disposal systems, plumbing, and wells or water supply systems. ERM 304, p. 3. Authorization for payment is only made if the repair is essential to remove a direct threat to health or safety and the repair would restore the home to a safe, livable condition. ERM 304, p. 3. The lifetime maximum for non-energy-related home repairs is \$ [REDACTED] per SER group and all non-energy-related repairs approved since 12/1/1991 count toward this maximum. ERM 304, p. 3. The \$ [REDACTED] may only be issued if by its issuance, the emergency will be resolved. ERM 304, p. 5. The SER group must contribute toward the cost of resolving the emergency; if SER does not cover the full cost of the service, verification of the paid contribution must be received by the Department before any SER payment can be made. ERM 208, (February 2017), p. 3.

In this case, the Petitioner submitted an application for home repairs valued at \$ [REDACTED] in addition to an estimate for tree removal valued at \$ [REDACTED]. The estimate for tree removal was dated 21 months prior to Petitioner’s application, did not list her name anywhere on the document, and did not contain an authorized signature from a representative of the company. Six days prior to the submission of her application, the Petitioner had submitted an estimate to the Department for sewer repairs valued at \$ [REDACTED] which

provided all necessary information. Since the Department had received a complete estimate which matched the value listed for repairs on the application, the Department acted reasonably in relying upon the earlier \$ [REDACTED] estimate submitted on September 12, 2017 and not the estimate provided on the same day as the application.

As discussed above, the lifetime limit for non-energy-related repairs is \$ [REDACTED] ERM 304, p. 3. Therefore, the estimated \$ [REDACTED] value for the repair of the sewer exceeded the lifetime limit for non-energy repairs. In order for any SER payment to be made by the Department, the payment of SER must resolve the emergency. ERM 208, p. 3. If the Department paid \$ [REDACTED] toward the repair, the emergency would not be resolved. Therefore, the Petitioner is subject to a contribution equal to the remaining balance to cover the cost of the repair, or in this case \$ [REDACTED]. After a review of all of the evidence, the Department properly calculated the Petitioner's contribution when calculating the Petitioner's non-energy-related SER eligibility.

During the hearing, the issue of notice to Petitioner of the SER decision was raised. While the Department testified that notice of its decision was provided to the Petitioner on September 19, 2017, no documentation was submitted for the hearing to support the testimony and the Petitioner denies its receipt. The State Emergency Relief Notice provided for the hearing showed that it was issued on October 16, 2017 and required that Petitioner verify her payment of the \$ [REDACTED] contribution by October 17, 2017, the next day. Although the Notice did not provide adequate opportunity for Petitioner to submit or verify payment, this issue is moot in light of Petitioner's acknowledgment that she was disputing the calculation of the \$ [REDACTED] contribution and that she could not pay it.

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 calculated Petitioner's \$ [REDACTED] contribution in determining Petitioner's SER eligibility.

### **DECISION AND ORDER**

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

AM/kl



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**Amanda M. T. Marler**  
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**



**Petitioner via USPS**

