



RICK SNYDER  
GOVERNOR

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

SHELLY EDGERTON  
DIRECTOR

[REDACTED]

Date Mailed: March 22, 2018  
MAHS Docket No.: 17-016745  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Kevin Scully

**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. After due notice, telephone hearing was held on February 22, 2018, from [REDACTED] Michigan. Petitioner represented herself. The Department was represented by [REDACTED] Family Independence Manager.

**ISSUE**

Did the Department of Health and Human Services (Department) properly deny Petitioner's application for State Emergency Relief (SER) assistance?

**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 December 14, 2017, the Department received Petitioner's State Emergency Relief (SER) application requesting assistance with a water/sewer bill. Exhibit A, pp 5-19.
2. On December 14, 2017, the Department received a copy of a past water bill. Exhibit A, p 20.
3. Petitioner receives monthly Retirement, Survivors, and Disability Insurance (RSDI) in the gross monthly amount of \$ [REDACTED] Exhibit A, pp 21-24.
4. On December 19, 2017, the Department notified Petitioner that she was not eligible to receive State Emergency Relief (SER) assistance. Exhibit A, pp 27-38.

5. On December 26, 2017, the Department received Petitioner's request for a hearing protesting the denial of her application for State Emergency Relief (SER) assistance. Exhibit A, pp 2-3.

### **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.

SER assistance is available to prevent shut off of water service. Department of Health and Human Services Emergency Relief Manual (ERM) 302 (October 1, 2013), p 1.

A group is eligible for non-energy SER services with respect to income if the total combined monthly net income that is received or expected to be received by all group members in the 30-day count-able income period does not exceed the Non-Energy Services Need Standards. Income that is more than the basic monthly income need standard for the number of group members must be deducted from the cost of resolving the emergency. This is the income copayment. Department of Health and Human Services Emergency Relief Manual (ERM) 208 (October 1, 2017), p 1.

The Non-Energy Services Need Standard for a group of one is \$445. ERM 208, p 5.

On December 14, 2017, the Department received Petitioner's SER application requesting assistance with a past due water bill. Petitioner receives monthly RSID in the gross monthly amount of \$██████. Subtracting the Non-Energy Services Need Standard from this income leaves Petitioner with a \$██████ income co-payment, which she would have to contribute towards her water-bill obligation before being eligible for SER benefits. Since the income co-payment is greater than the amount of assistance needed to satisfy Petitioner's past due water bill, the Department denied her SER application.

Petitioner argued that the Department failed to consider her payment history towards her water bill obligation or her necessary medical expenses.

However, the Department was acting in accordance with ERM 208 when it determined the required co-payment necessary before Petitioner could be approved for SER benefits. Medical expenses do not contribute towards the determination of the income co-payment.

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 December 14, 2017, State Emergency Relief (SER) application.

**DECISION AND ORDER**

Accordingly, the Department's decision is AFFIRMED.

KS/nr

  
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Kevin Scully  
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]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**Petitioner**

[REDACTED]