



RICK SNYDER  
GOVERNOR

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

SHELLY EDGERTON  
DIRECTOR



Date Mailed: June 21, 2018  
MAHS Docket No.: 18-003447  
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 May 24, 2018, from Lansing, Michigan. The Petitioner was represented by himself. The Department of Health and Human Services (Department) was represented by Kathleen Scorpio, Hearing Facilitator, Mazzie Booker, Eligibility Specialist, and Alexis Martell, Assistance Payments Supervisor.

**ISSUE**

1. Did the Department properly determine the Petitioner's eligibility for State Disability Assistance (SDA)?
2. Did the Department properly determine the Petitioner's eligibility 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. The SDA portion of this hearing request was dismissed at the beginning of this hearing because it was heard under another register number of 18-004005.
2. On February 15, 2018, the Petitioner was employed with [REDACTED] [REDACTED] LLC. Department Exhibit 1, pgs. 3-3A.
3. On February 15, 2018, the Petitioner applied for SER for assistance with gas, electric, rent, and moving expenses. Department Exhibit II, pg. A.

4. On February 20, 2018, the Petitioner informed his Department Caseworker that he did not have a Consumers Energy shut off notice, which made him not eligible for SER. Department Exhibit II, pg. C.
5. On February 20, 2018, the Department Caseworker sent the Petitioner a State Emergency Relief Decision Notice, DHS 1419, stating that he was approved for electricity where DHS paid \$ [REDACTED] and his copay, but he was denied for rent to relocate and moving expenses because his shelter was not affordable with no income. Department Exhibit II, pgs. G-I.
6. On March 29, 2018, 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 Disability Assistance (SDA) program is established by the Social Welfare Act, MCL 400.1-.119b. The Department of Health and Human Services (formerly known as the Department of Human Services) administers the SDA program pursuant to 42 CFR 435, MCL 400.10 and Mich Admin Code, R 400.3151-.3180.

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 SDA portion of the hearing was dismissed at the beginning of this hearing because it was heard under another register number of 18-004005. The Petitioner just started a job on February 15, 2018 but did not have any income when he applied for SER on February 15, 2018. The Department was able to pay his electric bill with no copay for the Petitioner of \$ [REDACTED]. However, he did not have a shut off notice for his Consumers Energy bill, so was not eligible for SER. Since he has no income, his moving expenses and rent was not affordable, and he was denied SER.

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 that the Petitioner's moving expenses and rent was not affordable because he had no income, paid his electrical bill for \$ [REDACTED] but did not pay his Consumers Energy because he did not have a shut off notice, which made him ineligible for SER.

**DECISION AND ORDER**

Accordingly, the Department's decision is **AFFIRMED**. The SDA portion of the hearing was dismissed at the beginning of this hearing because it was heard under another register number of 18-004005.

*Carmen G. Fahie*

CF/nr

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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) 763-0155; 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

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**Petitioner**

