



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: June 8, 2018
MAHS Docket No.: 18-002942
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, a telephone hearing was held on May 10, 2018, from Lansing, Michigan. Petitioner represented herself. The Department of Health and Human Services was represented by [REDACTED]

ISSUE

Did the Department of Health and Human Services (Department) properly deny 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], the Department received Petitioner's State Emergency Relief (SER) application.
2. On [REDACTED], the Department notified Petitioner that her State Emergency Relief (SER) application had been approved with a \$ [REDACTED] co-payment. Exhibit A, pp 4-5.
3. The Department did not pay its share of State Emergency Relief (SER) benefits.
4. On [REDACTED], the Department notified Petitioner State Emergency Relief (SER) benefits had been denied because the bill is not connected to her current address. Exhibit A, pp 6-7.

5. On [REDACTED], the Department received Petitioner's request for a hearing protesting the denial of State Emergency Relief (SER) benefits. 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.

The Department will not authorize a SER payment before a service is provided, or before a SER group has bade the required copayment, contribution, prorated or shortfall payment. Department of Health and Human Services Emergency Relief Manual (ERM) 401 (January 1, 2018), p 1.

On [REDACTED] the Department received Petitioner's application for SER benefits. The Department approved Petitioner's application on [REDACTED] contingent on Petitioner's co-payment of \$ [REDACTED]. When Petitioner failed to make the required \$ [REDACTED] co-payment, the Department did not issue any SER benefits as directed by ERM 401.

When the group's heat or electric service for their current residence is in past due status, in threat of shutoff or is already shut off and must be restored, payment may be authorized to the enrolled provider. Department of Health and Human Services Emergency Relief Manual (ERM) 301 (January 1, 2018), p 3.

Petitioner applied for SER benefits for assistance with her obligation to pay electric and heating utility bills. Petitioner does not dispute that the bills were incurred at a residence that she no longer lives at, but retains an obligation to pay those bills. While Petitioner is obligated to pay these bills that may be in past due status, Petitioner failed to establish that these past due bills put her at risk of her utilities being shut off at her current residence. Therefore, the Department denied Petitioner's request as directed by ERM 301.

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 request for State Emergency Relief (SER) benefits.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/hb



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) 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

DHHS

[REDACTED]

Petitioner

[REDACTED]