



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

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Date Mailed: March 18, 2019
MAHS Docket No.: 19-000659
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 March 13, 2019, from Detroit, Michigan. Petitioner was present and represented herself. The Department of Health and Human Services (Department) was represented by Corlette Brown, Hearing Facilitator, and Jeanette Bastine, Assistance Payments Worker.

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 January 2, 2019, Petitioner submitted an application for SER benefits for assistance with her gas heat in the amount of \$[REDACTED] and non-heat electric in the amount of \$[REDACTED]
2. On January 9, 2019, the Department sent Petitioner a State Emergency Relief Decision Notice informing her that her SER application was denied as her shortfall amount was equal to or greater than the amount needed to resolve the emergency (Exhibit A).

3. On January 22, 2019, Petitioner submitted a request for hearing disputing the Department's actions.

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.

Low-income households who meet all SER eligibility requirements may receive assistance to help them with heat and electricity costs under the energy services program. ERM 301 (October 2018), p. 1. A household may receive one SER payment for heat and one for non-heat electricity, up to the SER cap, each fiscal year. ERM 301 (October 2018), p. 1. 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. ERM 301, p.3.

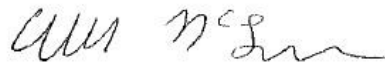
To be eligible for energy service assistance, a SER group must make required payments toward their energy service. The required payment amounts are based on the group size and service (heat or electric). The energy required payment period is the six-month period prior to the month the SER group applies for assistance, regardless of previous approvals. It applies even if the client has never requested or received SER energy services in the past six months. ERM 301, p. 7. Energy required payments are met if the amounts paid by the group for heating fuel and/or electricity equal or exceed the table amounts for the required payment period based on the group size. ERM 208 (October 2018), p. 1; ERM 301, pp. 7-8.

Required payments must be met for each month the SER group has an obligation to pay for the service. If the client failed without good cause to make required payments, a shortfall amount is determined. The good cause reasons/criteria for failing to meet obligations for energy services is found in ERM 204 (February 2017), pp. 1-4. ERM 301, pp. 8-10. If good cause does not exist, the shortfall must be paid before any SER payment can be authorized. The group has 30 calendar days, beginning with the date of application, to provide verification to the Department that the shortfall payment has been made or will be made by another agency. The client must pay the shortfall amount towards the cost of resolving the emergency. ERM 208 (October 2018), p. 1; ERM 301, pp. 8-10. If the shortfall exceeds the need, the application shall be denied unless good cause is granted. ERM 103 (October 2018), p. 5.

In this case, Petitioner submitted an application for SER benefits for assistance with her gas heat in the amount of \$[REDACTED] and non-heat electric in the amount of \$[REDACTED]. As Petitioner had a group size of four, her total monthly required payment for heat and electric was \$[REDACTED] per month, totaling \$[REDACTED] ERM 301, p. 8. The Department presented Petitioner's DTE energy payment history (Exhibit B). In the six months previous to Petitioner's application, she made the following payments: \$[REDACTED] on July 27, 2018; \$[REDACTED] on September 22, 2018; \$[REDACTED] on October 5, 2018; and \$[REDACTED] on November 21, 2018. The total of Petitioner's payments in the six months previous to her application was \$[REDACTED]. Therefore, Petitioner's shortfall was \$[REDACTED]. Petitioner requested \$[REDACTED] in assistance. As the shortfall exceeded the need, the Department acted in accordance with policy when it denied Petitioner's application for SER benefits.

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/jaf

Ellen McLemore

Administrative Law Judge

for Robert Gordon, 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

LaClair Winbush
MDHHS-Wayne-31-Hearings

Petitioner

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