



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 14, 2019  
MAHS Docket No.: 19-000662  
Agency No.: ██████████  
Petitioner: ██████ ██████

**ADMINISTRATIVE LAW JUDGE:** Jeffrey Kemm

**HEARING DECISION**

Following Petitioner's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on March 13, 2019, from Lansing, Michigan. ██████ ██████ Petitioner, appeared with her witness, ██████ ██████ Rose Ward, Assistance Payments Supervisor, appeared with Theresa Sharpe, Office of Child Support Lead Worker, and Brooke Bradshaw, Assistance Payments Worker. Neither party had any additional witnesses.

One exhibit was admitted into evidence during the hearing. A 21-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

**ISSUE**

Did the Department properly deny Petitioner's request 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 November 20, 2018, Petitioner's daughter, ██████ was placed in non-cooperation status by the Office of Child Support.
2. On ██████ ██████ 2018, Petitioner applied for SER assistance to pay for her heat. Petitioner listed her daughter, ██████ and her granddaughter, ██████ as her household members.

3. On December 13, 2018, the Department issued a State Emergency Relief Decision Notice which notified Petitioner that her request for SER assistance was denied because a member of her group failed to cooperate with the Office of Child Support.
4. On December 19, 2018, Petitioner's daughter, [REDACTED] responded to the Office of Child Support, but she did not provide sufficient information to identify the father of her child. Petitioner's daughter, [REDACTED] remains in non-cooperation status.
5. On January 14, 2019, Petitioner filed a hearing request to dispute the Department's decision.

### **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 order to be eligible for SER, all adults within an SER group must agree to take actions within their ability to make potential resources available. ERM 203 (October 1, 2018), p. 1. Groups that have a member who has been non-cooperative with the Office of Child Support are ineligible for SER. ERM 203, p. 2.

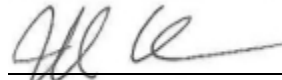
Here, Petitioner applied for SER and listed her daughter, [REDACTED] as a group member. Petitioner's daughter, [REDACTED] had been found to be non-cooperative with the Office of Child Support prior to the date Petitioner applied for SER, and she remained non-cooperative as of the date the Department issued its decision. Since a member of Petitioner's SER group was non-cooperative with the Office of Child Support, the Department acted in accordance with its policies when it denied Petitioner's request for SER assistance with her heat.

**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 did act in accordance with its policies and the applicable law when it issued its December 13, 2018, State Emergency Relief Decision Notice which denied Petitioner's request for SER.

IT IS ORDERED that the Department's Decision is AFFIRMED.

JK/nr



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Jeffrey Kemm  
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

**Department Representative**

Office of Child Support (OCS)-MDHHS  
201 N Washington Square  
Lansing, MI  
48933

Newago County DHHS- via electronic mail

BSC3- via electronic mail

T. Bair- via electronic mail

E. Holzhausen- via electronic mail

**DHHS**

Rose Ward  
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PO Box 640  
White Cloud, MI  
49349

**Petitioner**

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[REDACTED]  
[REDACTED] MI  
[REDACTED]