



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ORLENE HAWKS
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED] MI [REDACTED]

Date Mailed: June 10, 2019
MOAHR Docket No.: 19-003632
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 22, 2019, from Lansing, Michigan. The Petitioner was represented by himself. The Department of Health and Human Services (Department) was represented by April Nemec, Hearing Facilitator. Department Exhibit 1, pp. 1-21

ISSUE

Did the Department properly deny Petitioner's State Emergency Relief (SER) application due to Petitioner already having received SER within the fiscal year?

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] [REDACTED] 2019, Petitioner applied for SER utility assistance.
2. On February 6, 2019, Petitioner was approved for SER and payment was made on February 13, 2019.
3. On [REDACTED] [REDACTED] 2019, Petitioner applied for SER requesting utility assistance.
4. On March 26, 2019, Petitioner's application for SER was denied because he received SER utility payment within the fiscal year.
5. On April 1, 2019, Petitioner requested a hearing.

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.

A household may receive one SER payment for heat and one for non-heat electricity, up to the SER cap, each fiscal year. SER 301(March 2019)

In this case, Petitioner applied for and received SER utility assistance in February 2019. Petitioner applied for SER on [REDACTED] 2019, again seeking utility assistance. On [REDACTED] 2019, a State Emergency relief Decision Notice was sent to Petitioner informing him that his SER application was denied because he “reached the allowable caps for the requested service”. Department policy is clear that recipients are only allowed one utility payment during the fiscal year. SER 301 Therefore, the denial was proper and correct and consistent with Department policy.

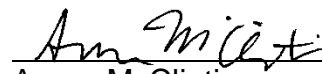
Petitioner questioned at hearing why he was not informed that he was only entitled to one payment per year and suggested that he would have waited to apply for SER if he had been aware. The Department is not required to explain all policy to recipients. Department policy is available online if Petitioner wants to inform himself in the future.

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 SER Application because he already received utility assistance within the calendar year.

DECISION AND ORDER

Accordingly, the Department’s decision is **AFFIRMED**.

AM/nr



Aaron McClintic
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 Office of Administrative Hearings and Rules (MOAHR).

A party may request a rehearing or reconsideration of this Order if the request is received by MOAHR 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. MOAHR will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Office of Administrative Hearings and Rules
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

DHHS

Tamara Morris
125 E. Union St 7th Floor
Flint, MI
48502

Genesee Union St. County DHHS- via
electronic mail

BSC2- via electronic mail

T. Bair- via electronic mail

E. Holzhausen- via electronic mail

Petitioner

[REDACTED]
[REDACTED]
[REDACTED] MI
[REDACTED]