



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]
Date Mailed: August 15, 2019
MOAHR Docket No.: 19-006681
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: John Markey

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 August 7, 2019, from Detroit, Michigan. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Emily Camp, Assistance Payments Supervisor, and Melissa Abbott, Eligibility Specialist. During the hearing, an 18-page packet of documents was offered and admitted into evidence as Exhibit A, pp. 1-18.

ISSUE

Did the Department properly deny Petitioner May 23, 2019 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 [REDACTED] 2019, Petitioner submitted to the Department an application for SER benefits. On the application, Petitioner indicated that she needed help with her heat, electric, and water/sewage bills. Petitioner stated that her past due amount for her heat bill was \$782.63, electric bill was \$617.55, and water/sewage bill was \$248. Additionally, Petitioner indicated that she was the only member of her household and that her monthly income was \$1,600. Exhibit A, pp. 5-9.
2. Along with the application, Petitioner submitted a heat bill from [REDACTED]
[REDACTED] an electric bill from [REDACTED] [REDACTED], and a water/sewage

bill from the City of [REDACTED] [REDACTED]. The submitted bills showed approximately the amounts owing as reflected on the application. Exhibit A, pp. 10-13.

3. On May 30, 2019, the Department issued to Petitioner a State Emergency Relief Decision Notice informing Petitioner that her application had been denied. With respect to the request for assistance with the DTE and Consumers bills, the Department denied the application because Petitioner's countable income was found to be higher than the maximum amount allowed for the program. With respect to the request for assistance with the Grand Rapids bill, the Department denied the application because it found that Petitioner's income/asset copayment would be equal to or greater than the amount needed to resolve the issue. Exhibit A, pp. 15-17.
4. On [REDACTED], 2019, Petitioner submitted to the Department a request for hearing objecting to the Department's decision to deny her SER application.

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 this case, Petitioner submitted to the Department a [REDACTED] 2019 application for SER benefits for help one non-energy utility bill and two energy bills. Petitioner's monthly income consists of \$1,744.50 in RSDI. The Department denied the non-energy utility bill SER request because it calculated that Petitioner's copayment exceeded the need, which was for \$293.70. The Department denied the energy bill SER request because it found that Petitioner's monthly income exceeded the limit for eligibility.

NON-ENERGY SER DENIAL

SER group members must use their available income and cash assets that will help resolve any asserted emergency. ERM 208 (March 2019), p. 1. A group is eligible for non-energy SER services with respect to income if the total combined monthly net income that is received or expected to be received by all group members in the 30 day countable income period does not exceed the standards found in the SER Income Need Standards for Non-Energy Services, which for a group of one is \$445. ERM 208, pp. 1, 6. Income that is more than the basic monthly income need standard for the number of group members must be deducted from the cost of resolving the emergency. ERM 208,

p. 1. The resulting amount is the income copayment. ERM 208, p. 1. If the resulting copayment amount exceeds the amount needed to resolve the emergency, the application must be denied. ERM 208, p. 2.

Petitioner requested help with a \$293.70 water bill. To determine Petitioner's applicable copayment, the Department was required to subtract from Petitioner's monthly income of \$1,744.50 the need standard applicable to her group size, which was \$445. The resulting amount of \$1,299.50 is what the Department determined to be Petitioner's copayment amount and is correct. As \$1,299.50 exceeds the amount of need, which was \$293.70, Department policy requires that the application be denied, which it properly was. Thus, the Department's denial of Petitioner's SER application for assistance in paying her [REDACTED] water bill is affirmed.

ENERGY SER DENIAL

There are no income copayments for SER energy services. ERM 208, p. 1. With respect to income, clients are either eligible or they are not. ERM 208, p. 1. For a group to be income eligible, the group's monthly income cannot exceed the standard for SER energy services, which for a group of one is \$1,518. ERM 208, pp. 1, 6. If the income exceeds the limit, the request must be denied. ERM 208, p. 1.

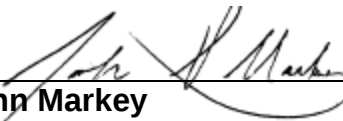
Petitioner's monthly income was \$1,744.50. Even if one removes from that income Petitioner's deductions for medical premiums, her monthly income was still above the limit of \$1,518. As Petitioner's monthly income exceeded the limit for program eligibility, her application was properly denied.

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 [REDACTED] 2019 application for SER benefits.

DECISION AND ORDER

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

JM/cg



John Markey
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

Via Email:

MDHHS-Kent-1-Hearings
T. Bair
E. Holzhausen
BSC3- Hearing Decisions
MOAHR

Petitioner – Via First-Class Mail:

[REDACTED]
[REDACTED]
[REDACTED]