



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: September 10, 2019
MOAHR Docket No.: 19-008490
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 September 4, 2019 from Detroit, Michigan. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Natalie McLaurin, Hearings Facilitator. During the hearing, a 23-page packet of documents was offered and admitted into evidence as Exhibit A, pp. 1-23.

ISSUE

Did the Department properly deny Petitioner's application for State Emergency Relief (SER) assistance with non-energy home repairs?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Sometime in early 2018, Petitioner submitted to the Department an application for SER assistance with non-energy home repairs. Specifically, Petitioner requested help in paying for extermination services. On February 15, 2018, the Department issued to Petitioner a State Emergency Relief Decision Notice informing Petitioner that her application for SER assistance was approved and that the Department would pay \$[REDACTED] of the total extermination costs. Petitioner acknowledged during the hearing that the payment was made. Exhibit A, p. 19.

2. On April 19, 2018, the Department issued to Petitioner a Quick Note informing Petitioner that the Department had made the \$[REDACTED] payment toward the extermination services. The Quick Note also informed Petitioner that the payments exhausted Petitioner's lifetime eligibility for SER home ownership/repair assistance. Exhibit A, p. 20.
3. On [REDACTED] 2019, Petitioner submitted to the Department an application for SER assistance with non-energy home repairs. Specifically, Petitioner requested assistance with a water heater and plumbing issue. Exhibit A, pp. 6-19.
4. The Department denied Petitioner's SER assistance application because it found that Petitioner's housing was unaffordable.
5. Petitioner filed a timely hearing request objecting to the Department's denial of her application.
6. On May 15, 2019, a hearing was held before Administrative Law Judge Christian Gardocki. On May 21, 2019, a Hearing Decision was issued finding that the Department improperly denied Petitioner's application. The Department was ordered to properly determine Petitioner's eligibility and issue a new notice to Petitioner.
7. On July 2, 2019, the Department issued to Petitioner a State Emergency Relief Decision Notice informing Petitioner that her application for SER assistance was denied due to the Department's finding that Petitioner had exhausted her lifetime eligibility for SER assistance for non-energy home repairs. Exhibit A, pp. 4-5.
8. On [REDACTED], 2019, Petitioner submitted to the Department a timely request for hearing objecting to 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 this case, Petitioner requested a hearing to dispute a denial of SER assistance with non-energy home repairs. Petitioner specifically sought assistance for plumbing and hot water heater repairs. The Department denied Petitioner's application via a July 2, 2019 State Emergency Relief Decision Notice. The reason for the denial was the

Department's conclusion that Petitioner had exhausted her lifetime eligibility for such services.

SER benefits are available to clients who have an emergency which threatens health or safety and can be resolved through issuance of SER. ERM 101 (March 2013), p 1. This includes assistance with home repairs to correct unsafe conditions and restore essential services. ERM 304 (October 2018), p. 1. SER does not, however, pay for improvements or nonessential repairs. ERM 304, p. 3. Non-energy home repairs that the Department will potentially expend SER funds for include extermination services, plumbing repairs, and home water heater repairs or replacements. ERM 304, p. 3. The lifetime maximum for non-energy home repairs is \$1,500 per SER group. ERM 304, p. 3.

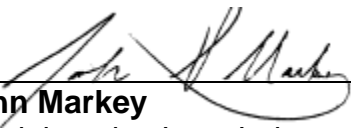
In 2018, Petitioner received \$[REDACTED] in SER assistance to help pay for extermination services. Petitioner acknowledged during the hearing that she received that assistance, and the Department provided documentation to show that it was actually provided. Once Petitioner received those services, which are specifically listed in policy as non-energy home repairs, Petitioner had exhausted her lifetime SER maximum for all non-energy home repairs. When Petitioner applied for SER assistance in 2019 for help with plumbing and hot water heater repairs, both of which are listed in policy as non-energy home repairs, the Department properly determined that Petitioner was ineligible for any additional non-energy home repair services as she had already received her lifetime maximum of \$[REDACTED] for that type of assistance.

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 assistance with non-energy home repairs.

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-Saginaw-Hearings
T. Bair
E. Holzhausen
BSC2- Hearing Decisions
MOAHR

Petitioner – Via First-Class Mail:

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