



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: February 14, 2020
MOAHR Docket No.: 19-012902
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 February 10, 2020, from Detroit, Michigan. Petitioner was present and represented herself. The Department of Health and Human Services (Department) was represented by Megan Sterk, Assistance Payments Supervisor and Laurel Palermo, Long Term Care Specialist.

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 October 28, 2019, Petitioner submitted an application for SER benefits for assistance with the purchase of a refrigerator and a nontraditional fuel source (wood) (Exhibit A, pp. 3-6).
2. On October 28, 2019, Petitioner submitted verification of the purchase of a new refrigerator (Exhibit A, p. 10).
3. On October 28, 2019, the Department completed an interview with Petitioner related to the SER application (Exhibit A, p. 15).

4. On October 28, 2019, the Department sent Petitioner a State Emergency Relief Decision Notice informing her that her SER application was denied (Exhibit A, pp. 7-9).
5. On [REDACTED], 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.

In this case, Petitioner submitted an application for SER benefits for assistance with the purchase of a new refrigerator and wood as a fuel source. The Department denied Petitioner's SER application for the refrigerator and the wood.

The Department testified that Petitioner's application for the replacement of her refrigerator was denied, as the emergency had been resolved. The Department stated that Petitioner had submitted verification that she purchased the refrigerator on October 27, 2019, the day prior to the SER application.

Certain conditions must be met before SER can be issued to help individuals and families. ERM 103 (January 2018), p. 3. Prior written or oral approval must be given by an authorized Department staff person before SER issuance. ERM 103, p. 3. The SER payment must resolve the emergency. ERM 103, p. 3. The Department will not issue SER to reimburse expenses incurred or paid without Department approval. ERM 103, p. 3.

Per policy, SER payments must resolve the emergency. Also, policy specifically states the Department will not reimburse expenses paid without prior Department approval. Additionally, the replacement of a refrigerator is not an SER covered service. The replacement of a refrigerator is not listed as an allowable repair under the SER Home Ownership policy. ERM 304, pp. 1-8. Policy states that certain items, such as refrigerators, are not available through SER. ERM 100 (October 2019), p. 3. Therefore, the Department acted in accordance with policy when it denied Petitioner's application for SER benefits for the replacement of her refrigerator.

The Department testified that Petitioner's SER application for wood as a fuel source was denied, as it was a secondary fuel source. The Department stated that an interview

was conducted with Petitioner on October 28, 2019. Petitioner stated that her primary heat source is a boiler system that is powered by electric services. Petitioner was requesting wood for her wood burning fireplace for emergency situations when there is a loss of power.

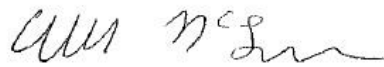
Low-income households who meet all of the SER eligibility requirements may receive assistance to help them with household heat and electric costs. ERM 301 (November 2019), p. 1. The household must be experiencing an energy crisis, which includes a need for nontraditional fuel sources, such as wood. ERM 301, p. 1. The Department will not provide assistance with secondary fuel types. ERM 301, p. 6. The Department will only issue payments for primary heating sources. ERM 301, p. 6.

At the hearing, Petitioner confirmed that her primary heat source is her boiler system. Petitioner stated she only uses her wood burning stove in emergency situations when there is a loss of power or when she is trying to conserve energy costs. As Petitioner's request for SER benefits was for a secondary fuel source, the Department acted in accordance with policy when it denied her application for SER benefits for wood.

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/cg



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 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-Allegan-Hearings
T. Bair
E. Holzhausen
BSC3- Hearing Decisions
MOAHR

Petitioner – Via First-Class Mail:

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