



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]

Date Mailed: February 28, 2020
MOAHR Docket No.: 20-000509
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 26, 2020, from Detroit, Michigan. Petitioner was present and represented herself. Department of Health and Human Services (Department) was represented by Markita Mobley, Hearing Facilitator.

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 December 30, 2019, Petitioner submitted an application for SER benefits for the replacement of her furnace.
2. On January 3, 2020, the Department sent Petitioner a State Emergency Relief Decision Notice informing her that her application for SER benefits had been denied (Exhibit A, p. 9).
3. On [REDACTED], 2020, 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 replacement of her furnace. The Department testified that Petitioner had submitted previous applications for SER benefits for the replacement of her furnace. The Department sent Petitioner a Verification Checklist (VCL) on October 24, 2019, advising Petitioner that she needed to submit three written estimates for the replacement of her furnace. Petitioner was notified that each estimate needed to state what was wrong with the furnace, what it costed it replace the furnace, and the vendor number from the licensed contractors (Exhibit 1, pp. 11-12). The Department had previously denied Petitioner's SER applications because the repair estimates did not have either the vendor number of the contractor or the reason for the need to replace the furnace. The Department testified that Petitioner again did not submit the requisite verification for December 30, 2019 application. As a result, Petitioner's application was denied.

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 Department must provide some form of assistance within 48 hours of receiving an application for crisis assistance. ERM 301, p. 1. An energy crisis includes a statement from a licensed service provider indicating the homeowner's furnace is inoperable and in need of repair or replacement. ERM 301, p. 1.

The Department testified that Petitioner had previously submitted repair estimates for her furnace, but they did not contain the requisite information to approve her SER application. Petitioner submitted a repair estimate from [REDACTED] on November 13, 2019, but the verification did not state that Petitioner's current furnace was inoperable (Exhibit A, p. 6). Petitioner submitted an estimate from [REDACTED] on November 13, 2019, but the estimate did not have the provider's license number or that her current furnace was inoperable (Exhibit 1, p. 7). Petitioner also stated she submitted a verification from [REDACTED], but it also did not have the vendor number.


The repair estimates submitted by Petitioner prior to her application did not include the information required by policy. Per policy, a client must submit a statement from a licensed provider that states the furnace is inoperable and in need of repair or

replacement. ERM 301, p. 1. All of the verification submitted by Petitioner prior to her application either lacked a description stating her furnace was inoperable, the provider's license number or both items. Petitioner did submit a repair estimate from [REDACTED] stating that her existing furnace was unrepairable, provided the cost estimate to replace the furnace and had the provider's license number (Exhibit A, pp. 7-8). However, that verification was not submitted until January 6, 2020, which was after the SER application had been denied. Therefore, the Department acted in accordance with policy when it denied Petitioner's SER application.

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 SER application. 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-Wayne-55-Hearings
T. Bair
E. Holzhausen
BSC4- Hearing Decisions
MOAHR

Petitioner – Via First-Class Mail:

