



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 26, 2021
MOAHR Docket No.: 20-006184
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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 December 9, 2020. [REDACTED] the Petitioner, appeared on her own behalf. The Department of Health and Human Services (Department) was represented by Kristina Warner, Eligibility Specialist (ES).

During the hearing proceeding, the Department's Hearing Summary packet was admitted as Exhibit A, pp. 1-7 and unnumbered pages.

ISSUE

Did the Department properly deny Petitioner's [REDACTED] application for State Emergency Relief (SER) for a water bill?

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] Petitioner applied for SER for assistance with a water bill. (Exhibit A, pp. 1-13)
2. The Department verified that Petitioner's water bill account was not in shut off status. (Exhibit A, p. 14)
3. On September 17, 2020, an Application Notice was issued to Petitioner denying SER because there was no proof of emergency. It was noted that there was no shutoff notice for the water and the current bill was due September 20, 2020. (Exhibit A, pp. 15-18)

4. On September 28, 2020, Petitioner filed a hearing request contesting the Department's action. (Hearing Request)

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.

SER helps to restore or prevent shut off of a utility service specified in this item when service is necessary to prevent serious harm to SER group members. ERM 302, October 1, 2018, p. 1.

The Department is to verify actual or possible shutoff of water, sewer or cooking gas service by: a disconnect notice from the utility; information from the utility provider's secure website; an overdue or delinquency notice when the water or sewer is not disconnected but the arrearage is added to the local tax bill; or the client's statement of need for cooking fuel. ERM 302, p. 4.

In this case, Petitioner applied for SER for assistance with a water bill on [REDACTED] (Exhibit A, pp. 1-13) The Department verified that Petitioner's water bill account was not in shut off status. (Exhibit A, p. 14) Accordingly, on September 17, 2020, a Notice was issued to Petitioner denying SER because there was no proof of emergency. It was noted that there was no shutoff notice for the water and the current bill was due September 20, 2020. (Exhibit A, pp. 15-18)

On September 28, 2020, Petitioner filed a hearing request contesting the Department's action. Petitioner acknowledged that due to COVID-19 the city of [REDACTED] was not sending out shut off notices. (Hearing Request)

On September 30, 2020, the Department verified with [REDACTED] Water billing that water service is not to be shut off due to Executive Order 2020-144. (Exhibit A, pp. 20-25) An email from the SER Program Policy unit that same date confirmed that an existing water customer would not qualify for SER because there is not an emergency that jeopardizes health and safety. (Exhibit A, pp. 26-27)

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]

application for SER for a water bill because there was no actual or possible shutoff of water at that time.

DECISION AND ORDER

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

CL/ml

A handwritten signature in black ink, appearing to read "Colleen Lack", written over a horizontal line.

Colleen Lack
Administrative Law Judge
for Elizabeth Hertel, 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 Little
Jackson County DHHS – via electronic
mail

BSC4 – via electronic mail

T. Bair – via electronic mail

E. Holzhausen – via electronic mail

Petitioner

[REDACTED] – via first class mail
[REDACTED]
[REDACTED]