



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: March 3, 2021
MOAHR Docket No.: 20-007471
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Amanda M. T. Marler

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 March 1, 2021. The Petitioner was represented by her Authorized Hearings Representative (AHR) and sister, [REDACTED]. The Department of Health and Human Services (Department) was represented by Corlette Brown, Hearings Facilitator.

ISSUE

Did the Department properly deny Petitioner's Application for State Emergency Relief (SER) assistance with utilities?

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] 2020, Petitioner applied for SER assistance with heat and electric bills.
2. On November 2, 2020, the Department reviewed the DTE Energy account associated with the address listed on Petitioner's Application which indicated that Petitioner was not listed on the account, but instead the account was in the name of Petitioner's AHR.
3. On November 4, 2020, the Department issued an Application Notice indicating that "[c]lient has failed to be available to answer department questions" and a denial of Petitioner's Application because "[y]ou have not provided proof of an emergency which threatens health or safety that can be resolved through assistance of SER."

4. On November 16, 2020, the Department received Petitioner's Request for Hearing disputing the Department's denial of her SER Application.
5. Petitioner conceded that she was not responsible for the utilities at her home at the time of her 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 disputes the denial of her SER Application due to a lack of emergency. SER is a program which assists individuals and families with their household heat and electric costs. ERM 301 (October 2020), p. 1. To be eligible, the applicant must have an energy crisis defined as [a]n individual or household that has a past due account or shut-off notice on an energy bill for his or her household. *Id.* The DTE Energy account for Petitioner's residence does not list Petitioner as the account holder and Petitioner admits that she is not responsible for any portion of the bill pursuant to her lease agreement. Since Petitioner is not responsible for any portion of the heat or electric costs at her residence, she does not have a past due account causing an emergency as defined by policy. The Department properly denied Petitioner's SER Application.

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 for lack of an emergency.

DECISION AND ORDER

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

AMTM/cc



Amanda M. T. Marler
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

Via Email:

MDHHS-Wayne-31-Grandmont-Hearings
BSC4-HearingDecisions
E. Holzhausen
T. Bair
MOAHR

Authorized Hearing Rep.- Via USPS:

[REDACTED]

Petitioner- Via USPS:

[REDACTED]