



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 10, 2021
MOAHR Docket No.: 20-007696
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 4, 2021. The Petitioner was self-represented. The Department of Health and Human Services (Department) was represented by Juanita Munoz, Hearings Facilitator.

ISSUE

Did the Department properly determine Petitioner's State Emergency Relief (SER) eligibility?

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, the Department received Petitioner's SER Application for assistance with gas, heat, electric, and home repairs to her roof.
2. On September 23, 2020, the Department issued an SER Decision Notice informing Petitioner that she was eligible for a "Non-Heat Electricity" payment of \$75.31 but that she was denied assistance with relocation services because her request did "not meet program requirements."
3. The Department never issued a decision on Petitioner's eligibility for her gas heating bill or her home repairs to the roof.
4. On December 3, 2020, the Department received Petitioner's Request for Hearing disputing the Department's failure to issue a decision on eligibility for home repairs

to her roof and questioning why the Department made a decision about relocation services when she did not ask for or need them.

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 Department's failure to issue a decision on her Application for SER assistance. Policy provides that Applications must be registered by the Department within one day of receipt. ERM 103 (March 2019), p. 1. Furthermore, the Department must inform all SER applicants in writing of the decision made on their application. ERM 103, p. 4. The SER standard of promptness is ten calendar days beginning with the date the signed SER Application is received in the local office. ERM 103, p. 5. Furthermore, the case record must include documentation for any delay in processing the application beyond the standard of promptness. *Id.* At the hearing, the Department conceded that it failed to determine Petitioner's eligibility for gas heating and home repairs. Therefore, the Department failed to follow policy.

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 did not act in accordance with Department policy when it failed to determine Petitioner's eligibility for SER gas heating and home repairs.

DECISION AND ORDER

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

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reprocess Petitioner's Application dated [REDACTED] 2020 for gas heating and home repairs;
2. If otherwise eligible, issue supplements to Petitioner for benefits not previously received; and,

3. Notify Petitioner in writing of its decision.



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-41-Hearings
BSC4-HearingDecisions
E. Holzhausen
T. Bair
MOAHR

Petitioner- Via USPS:

