



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: April 27, 2018
MAHS Docket No.: 18-002116
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 April 25, 2018, from Detroit, Michigan. Petitioner was present and represented herself. The Department of Health and Human Services (Department) was represented by Amy Gearhart, Assistance Payments Worker and Zach Herrington, Assistance Payments Worker.

ISSUE

Did the Department properly determine Petitioner's eligibility 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 [REDACTED], 2018, Petitioner submitted an application for SER benefits for energy services. Petitioner requested assistance with her heat-related gas services (Exhibit A).
2. Along with the application, Petitioner submitted a shutoff notice from [REDACTED] stating that she had a previous balance due of \$135.56 (Exhibit B).
3. On January 12, 2018, the Department received a communication from [REDACTED] regarding Petitioner's payment history (Exhibit C).

4. On January 19, 2018, the Department sent Petitioner a State Emergency Relief Decision Notice informing Petitioner that her SER application was approved but she had a copayment of \$104.68 (Exhibit E). The copayment was due February 9, 2018.
5. On [REDACTED], 2018, Petitioner submitted an application for Food Assistance Program (FAP) benefits and for SER benefits for energy services. Petitioner again requested assistance with her heat-related gas services (Exhibit F).
6. On [REDACTED], 2018, Petitioner submitted an application for SER benefits for energy services. Petitioner again requested assistance for her heat related gas services, as well as assistance with her electric utility (Exhibit G).
7. Along with the application, the Department received a disconnect notice from Indiana Michigan Power for Petitioner's electric bill (Exhibit H).
8. On February 2, 2018, the Department received Petitioner's electric payment history (Exhibit I).
9. On February 14, 2018, the Department issued a State Emergency Relief Decision Notice informing Petitioner that her application for SER benefits for her non-heat electric services was denied due to her failure to timely pay the copayment for her gas utility services (Exhibit J).
10. On [REDACTED], 2018, Petitioner submitted an application for SER benefits for her gas and electric services (Exhibit L).
11. On February 21, 2018, Petitioner submitted a request for hearing disputing the Department's actions regarding her SER benefits.
12. On February 22, 2018, the Department issued a State Emergency Relief Decision Notice informing Petitioner that she was approved for SER benefits. Petitioner was approved for \$307.77 toward her gas services with a \$0 copayment. Petitioner was also approved for \$282.56 toward her electric services with a \$56.67 copayment (Exhibit M).
13. On February 23, 2018, the Department received notification that Petitioner had paid her electric bill in full and was no longer in threat of shutoff (Exhibit N). As the emergency had been resolved, the Department did not issue a vendor payment.
14. On February 23, 2018, the Department issued a vendor payment to [REDACTED] in the amount of \$307.77 for Petitioner's gas utility (Exhibit O).

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.

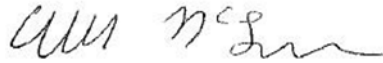
In this case, Petitioner argued that the Department committed errors in her initial application for SER benefits. Specifically, Petitioner stated that the Department miscalculated her copayment in the notice issued January 19, 2018 in the amount of \$104.68. Petitioner stated that the Department's error resulted in several denials being issued regarding her request for assistance with her heat and electric services. Petitioner testified that had the Department correctly determined her SER eligibility from the beginning, she would not have had to pay her electric bill herself.

Low-income households who meet all SER eligibility requirements may receive assistance to help them with household heat and electric costs. ERM 301 (January 2018), p. 1. For energy related emergencies, the SER crisis season runs from November 1 through May 31. ERM 301, p. 1. Requests for those services will be denied June 1 through October 31. ERM 301, p. 1. An energy crisis included an individual or household has a past due amount or shut-off notice on an energy bill for his or her household. ERM 301, p. 1. Certain conditions must be met before SER can be issued to help individuals and families whose health and safety are threatened, which includes that the SER payment must resolve the emergency. ERM 103 (January 2018), p. 3.

Although Petitioner argued that the Department initially miscalculated her copayment in the January 19, 2018 decision regarding her gas services, ultimately the Department paid Petitioner's gas bill in full without any contribution from Petitioner. As such, the issue is moot. Additionally, the Department approved Petitioner's request for assistance with her electric services, but she had paid the balance in full. Thus, there was no longer an emergency. Policy requires that before an SER benefits can be issued, the payment must resolve the emergency. Therefore, the Department acted in accordance with policy when determining Petitioner's SER eligibility.

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 determined Petitioner's SER eligibility. Accordingly, the Department's decision is **AFFIRMED**.



EM/cg

Ellen McLemore
Administrative Law Judge
for Nick Lyon, 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 Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS 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. MAHS will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088; Attention: MAHS Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

Via Email:

MDHHS-St. Joseph-Hearings
T. Bair
E. Holzhausen
BSC3- Hearing Decisions
MAHS

Petitioner – Via First-Class Mail:

