



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

[REDACTED], MI [REDACTED]

Date Mailed: January 8, 2019
MAHS Docket No.: 18-010361
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, an in-person hearing was held on December 11, 2018, from Flint, Michigan. Petitioner represented herself. The Department was represented by Brad Reno.

ISSUE

Did the Department of Health and Human Services (Department) properly deny Petitioner's application for State Emergency Relief (SER) assistance?

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, the Department received Petitioner's application for State Emergency Relief (SER) assistance for her electric bill.
2. Petitioner receives monthly child support income in the gross monthly amount of \$360.50.
3. Petitioner receives monthly Retirement, Survivors, and Disability Insurance (RSDI) in the gross monthly amount of \$1,958.
4. Petitioner receives monthly disability insurance payments in the gross monthly amount of \$1,604.39.

5. On October 2, 2018, the Department notified Petitioner that her request for \$2,144.01 of State Emergency Relief (SER) assistance for assistance with an electric bill had been denied. Exhibit A, pp 8-10.
6. On October 4, 2018, the Department received Petitioner's request for a hearing protesting the denial of her application for State Emergency Relief (SER) benefits. Exhibit A, pp 4-5.

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.

Applicants for SER benefits are required to use their available income and cash assets that will help resolve the emergency and the Department will not authorize a SER payment unless it will resolve the emergency. Department of Health and Human Services Emergency Relief Manual (ERM) 208 (October 1, 2018), p 1.

On [REDACTED], 2018, the Department received Petitioner's application for SER seeking assistance with an electric bill. Since it was late in the day, the Department registered the application and Petitioner was informed that if any additional information was necessary to determine her eligibility that it would be requested during an interview in the future.

After reviewing the information Petitioner reported on her application for assistance, the Department determined that she is not eligible for SER assistance and denied the application without conducting an interview.

Petitioner receives a monthly income totaling \$4,089.39 and the SER income need standard for energy services is \$2,598. ERM 208, p 6.

With respect to income, clients are either eligible or they are not. For a group to be eligible for energy services, the combined monthly net income that is received or expected to be received by all group members in the 30-day countable income period, cannot exceed the standard for SER energy/LIHEAP services for the number of group members. If the income exceeds the limit, the request must be denied. ERM 208, p 1.

Petitioner argued that the amount of child support income she receives fluctuates and that she does not always received \$360.50 each month. Petitioner did not present

evidence on the record showing a different amount of child support than the amount determined by the Department from Petitioner's application for assistance.

However, if the entire amount of child support income was removed from consideration, Petitioner's household income would still exceed the income need standard making her ineligible for SER assistance.

Department policy requires an interview with an adult member of the SER group. Department of Health and Human Services Emergency Relief Manual (ERM) 103 (October 1, 2018), p 5.

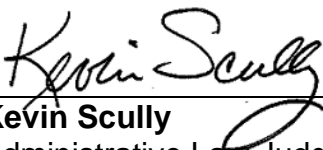
However, the failure of the Department to conduct some type of interview was not the reason the application was denied. Petitioner's household income makes her ineligible for SER assistance. Petitioner is not entitled to a hearing regarding the Department's failure to interview her but only on the denial of SER assistance. In this case, the Department presented substantial evidence showing that Petitioner does not meet the financial requirements for receiving SER assistance and Petitioner failed to establish her eligibility.

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 application for State Emergency Relief (SER) based on her household income.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/dh



Kevin Scully
Administrative Law Judge
for Farah Hanley, Acting 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) 763-0155; 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

DHHS

Lindsay Miller
125 E. Union St 7th Floor
Flint, MI 48502

Genesee County, DHHS

BSC2 via electronic mail

T. Bair via electronic mail

E. Holzhausen via electronic mail

Petitioner

[REDACTED]
[REDACTED], MI [REDACTED]