



STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

GRETCHEN WHITMER
GOVERNOR

ORLENE HAWKS
DIRECTOR

[REDACTED], MI [REDACTED]

Date Mailed: April 26, 2019
MOAHR Docket No.: 19-001889
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, telephone hearing was held on March 27, 2019, from Lansing, Michigan. Petitioner was represented by [REDACTED]. The Department was represented by Farah Erickson.

ISSUE

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

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Petitioner applied for State Emergency Relief (SER) benefits seeking assistance with utility bills.
2. On [REDACTED], 2019, Petitioner's application was denied because the property where Petitioner is living is commercial property, although not a currently operating business.
3. On March 1, 2019, Petitioner failed to attend an eligibility interview.
4. On March 1, 2019, the Department notified Petitioner that her State Emergency Relief (SER) application had been denied.

5. On January 22, 2019, the Department received Petitioner's request for a hearing protesting the denial of her State Emergency Relief (SER) 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.

Service used in businesses or nonresidential buildings or facilities such as rental units, garages, stores, or nonresidential farm uses. When a bill represents combined residential and nonresidential or business usage, pay only the residential portion if the utility can provide an approximate breakdown showing the residential use portion and the group applying for energy services pays the nonresidential costs. Department of Health and Human Services Emergency Relief Manual (ERM) 301 (March 1, 2019), p 5.

All SER applications require an interview with an adult member of the SER group. Department of Health and Human Services Emergency Relief Manual (ERM) 103 (March 1, 2019), p 5.

The Department will deny a SER application if applicants failed to take action or provide information within their ability. Department of Health and Human Services Emergency Relief Manual (ERM) 102 (October 1, 2018), p 1.

In this case, Petitioner had previously applied for SER assistance with utility expenses. Petitioner resides at a non-operating motel, and utility services at this property are not separated into a commercial section and the portion where Petitioner resides. Department policy does not allow for SER assistance to be used on nonresidential buildings. The Department's representative attempted to assist Petitioner with her attempts to have the property reclassified as residential but could not approve her application when she failed to attend a required eligibility interview.

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 State Emergency Relief (SER) application.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/dh



Kevin Scully
Administrative Law Judge
for Robert Gordon, 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 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

Farah Erickson
301 E Lead St
Bessemer, MI 49911

Gogebic County, DHHS

BSC1 via electronic mail

T. Bair via electronic mail

E. Holzhausen via electronic mail

Petitioner

[REDACTED]
[REDACTED]
[REDACTED], MI [REDACTED]