



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ORLENE HAWKS  
DIRECTOR

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

Date Mailed: May 30, 2019  
MOAHR Docket No.: 19-002751  
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 May 2, 2019, from Lansing, Michigan. Petitioner represented herself. The Department was represented by April Nemec.

### **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. On [REDACTED], 2019, the Department received Petitioner's application for State Emergency Relief (SER) assistance with a utility bill. Exhibit A, pp 9-13.
2. On February 14, 2019, the Department notified Petitioner that her State Emergency Relief (SER) application had been denied. Exhibit A, p 16.
3. On [REDACTED], 2019, the Department received another application for State Emergency Relief (SER) assistance. Exhibit A, pp 17-22.
4. Petitioner receives monthly Family Independence Program (FIP) benefits in the gross monthly amount of \$403. Exhibit A, p 24.

5. A member of Petitioner's household receives Supplemental Security Income (SSI) in the gross monthly amount of \$771. Exhibit A, pp 26-28.
6. Petitioner receives monthly child support in the gross monthly amount of \$10. Exhibit A, pp 25 and 29.
7. On March 13, 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.

The Department received applications for SER assistance with utility bills on [REDACTED], 2019, and [REDACTED] 2019. Petitioner's household of three received a total gross monthly income of \$1,184, which is the total of the FIP, SSI, and child support received by the household. Based on his income, Petitioner would be required to pay a \$625 income co-pay before the Department would issue any SER benefits. The income co-pay was determined by reducing total gross monthly income by the \$625 income need standard for a group of three. Department of Health and Human Services Emergency Relief Manual (ERM) 206 (February 1, 2017), p 6. Since the income co-pay is higher than the amount needed to resolve the emergency, Petitioner is not eligible for SER benefits.

The Department also determined that Petitioner had a \$243.98 shortfall based on her history of making payments towards her utility bill. The Department's representative conceded that Petitioner's payment history may not have properly determined.


However, if the shortfall is ignored, Petitioner remains ineligible for SER benefits based solely on the income co-payment..

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 determined that Petitioner is ineligible for State Emergency Relief (SER) benefits.

**DECISION AND ORDER**

Accordingly, the Department's decision is AFFIRMED.

KS/dh

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

**DHHS**

Tamara Morris  
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]  
[REDACTED], MI [REDACTED]