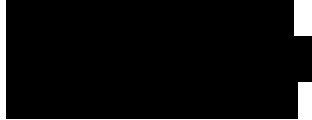




GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR



Date Mailed: August 23, 2019
MOAHR Docket No.: 19-006680
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: John Markey

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 August 7, 2019 from Detroit, Michigan. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Jennifer Cole, Eligibility Specialist. During the hearing, a 21-page packet of documents was offered and admitted into evidence as Exhibit A, pp. 1-21.

ISSUE

Did the Department properly deny Petitioner's application for State Emergency Relief (SER) benefits for assistance with energy services?

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, Petitioner submitted to the Department an application for SER benefits for assistance with her heat and non-heat electric bills, which were at risk of being shut off due to unpaid past due balances of over \$5,000 combined. Exhibit A, pp. 5-17.
2. On the application, Petitioner informed the Department that she was the only member of her household and that her monthly income totaled \$1,599.13. Exhibit A, p. 16.

3. On June 5, 2019, the Department issued to Petitioner a State Emergency Relief Decision Notice informing Petitioner that her application for SER benefits was denied due to the Department's finding that Petitioner's countable income was higher than the maximum amount allowed for eligibility for the program. Exhibit A, pp. 20-21.
4. On [REDACTED], 2019, Petitioner submitted to the Department a request for hearing objecting to the Department's denial of her May 31, 2019 application for SER benefits.

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).

In this case, Petitioner submitted to the Department a [REDACTED] 2019 application for SER benefits in order to assist Petitioner in paying her past due heat and non-heat electric bills, which at the time had a combined past-due balance of over \$5,000. Petitioner lived in a household of one and had unearned income totaling \$1,599.13 per month. On June 5, 2019, the Department issued to Petitioner a State Emergency Relief Decision Notice informing Petitioner that her application for SER benefits was denied due to the Department's finding that Petitioner's countable income was higher than the maximum amount allowed for eligibility for the program. Petitioner timely submitted a hearing request objecting to the Department's action.

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. SER benefits are available to clients who have an emergency that threatens health or safety and can be resolved through issuance of SER. ERM 101 (March 2013), p. 1. Low-income households who meet all SER eligibility requirements may receive assistance to help with household heat and electric costs. ERM 301 (March 2019), p. 1. For a group to be income eligible for SER energy services, the group's monthly income cannot exceed the standard for SER energy services, which for a group of one is \$1,518. ERM 208 (June 2019), pp. 1, 6; ERM 301, pp. 6-7.

Petitioner's monthly unearned income of \$1,599.13 exceeded the limit for program eligibility, which is set at \$1,518 per month. As stated above, an individual must meet all eligibility requirements for SER in order to be approved. Because Petitioner did not meet the income eligibility requirement, the Department properly denied her application.


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 [REDACTED] 2019 application for SER benefits for assistance with her heat and non-heat electric bills.

DECISION AND ORDER

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

JM/cg



John Markey
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 Office of Administrative Hearings and Rules
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

Via Email:

MDHHS-Wayne-49-Hearings
T. Bair
E. Holzhausen
BSC4- Hearing Decisions
MOAHR

Petitioner – Via First-Class Mail:

[REDACTED]