



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]
[REDACTED], MI [REDACTED]

Date Mailed: November 8, 2019
MOAHR Docket No.: 19-010205
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 November 6, 2019, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Lianne Scupholm, Hearing Facilitator. Armando Diaz, Eligibility Specialist, also appeared for the Department and testified. Department Exhibit 1, pp. 1-18 was received and admitted.

ISSUE

Did the Department properly deny Petitioner's application for State Emergency Relief (SER)?

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 August 5, 2019, Petitioner applied for SER seeking Home Repair assistance to replace her well pump. (Ex. 1, pp. 1-12)
2. Petitioner submitted an estimate from [REDACTED] and Son's Well Drilling. (Ex. 1, p.14)
3. On August 6, 2019, a State Emergency Relief Decision Notice was sent to Petitioner informing her that "Your request for assistance has been denied for the following services." Your emergency has already been resolved. (Ex. 1, pp. 15=17)
4. On [REDACTED] [REDACTED] [REDACTED] Petitioner requested hearing disputing the denial of SER.

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.

Approval

Certain conditions must be met before SER can be issued to help individuals and families whose health and safety are threatened:

- Prior written or oral approval must be given by an authorized department staff person before SER issuance.
- **Do not issue SER to reimburse expenses incurred or paid without prior department approval.**
- The SER payment must resolve the emergency.
- The group must meet all applicable policy requirements for the SER service. ERM 103

In this case, Petitioner applied for SER seeking assistance with replacing her well pump. Petitioner testified at hearing that she was not sure if she was told by the Department that the repair could not be completed prior to the benefit being issued. Petitioner testified that the bill for the well pump was still outstanding. Petitioner had the work completed prior to being approved for SER. Petitioner did not dispute that the work was completed prior to her being approved for SER. The Department denied Petitioner's SER application because her emergency had been resolved and the SER payment would not resolve the emergency. Also, Department policy clearly instructs not to issue SER to reimburse expenses incurred without prior Department approval. ERM 103. Therefore, the Department denial was proper and correct and consistent with Department policy.

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 SER application due to the emergency being resolved.

DECISION AND ORDER

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

AM/nr



Aaron McClintic
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

DHHS

Carisa Drake
190 East Michigan
Battle Creek, MI
49016

Calhoun County DHHS- via electronic mail

BSC3- via electronic mail

T. Bair- via electronic mail

E. Holzhausen- via electronic mail

Petitioner

[REDACTED]
[REDACTED], MI