



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]

Date Mailed: March 15, 2021
MOAHR Docket No.: 21-000190
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jeffrey Kemm

HEARING DECISION

On January 8, 2021, Petitioner, [REDACTED], requested a hearing to dispute the Department's decision to deny his request for State Emergency Relief (SER). As a result, a hearing was scheduled to be held on March 11, 2021, pursuant to MCL 400.9 and Mich Admin Code, R 792.11002. Petitioner appeared at the hearing and represented himself. Respondent, Department of Health and Human Services (Department), had Michelle Collins, Eligibility Specialist, appear as its representative. Neither party had any additional witnesses.

One exhibit was admitted into evidence during the hearing. A 21-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

ISSUE

Whether the Department properly denied Petitioner's request for SER on January 4, 2021?

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 has a household size of one.
2. In March 2020, Petitioner became unemployed and began receiving unemployment benefits.
3. Petitioner's weekly benefit amount was \$362.00, and he received an additional benefit of \$600.00 per week from a Federal program through July 25, 2020.
4. On [REDACTED] 2020, Petitioner submitted an application to the Department to obtain SER assistance with his heat and electric utilities.

5. Petitioner was behind on his utilities at the time and had received a shutoff notice from DTE.
6. The Department reviewed Petitioner's application for SER, budgeted his monthly income based on his income from the six months preceding his application, and determined that Claimant's monthly income exceeded the income limit for SER assistance with heat and electric utilities.
7. On January 4, 2021, the Department issued a State Emergency Relief Decision Notice to notify Petitioner that his request for SER was denied because his income exceeded the income limit.
8. On January 8, 2021, Petitioner requested a hearing.

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 pursuant to MCL 400.10 and Mich Admin Code, R 400.7001-.7049.

When the Department receives an application for SER, the Department must budget the applicant's countable income. Countable income is the applicant's projected income for the 30 days following the date of application. ERM 206 (November 1, 2019), p. 1. In this case, Petitioner applied for SER on [REDACTED] 2020, and his income consisted of unemployment benefits of \$362.00 per week. To convert Petitioner's weekly income into monthly income, the Department had to take his weekly income and multiply it by 4.3. BEM 505 (January 1, 2021), p. 8. Thus, Petitioner's countable income was \$1,556.50 per month ($\362.00×4.3).

Petitioner applied for SER assistance with heat and electric utilities. Heat and electric utilities are energy services, so the applicable income limit is the standard for SER energy/LIHEAP services for the number of group members. ERM 208 (October 1, 2020), p. 1. In Petitioner's case, the income limit was \$1,595.00 because Petitioner did not have any group members other than himself.

When an applicant's income is less than the income limit for energy services, the applicant is eligible for SER assistance. In this case, Petitioner's income of \$1,556.50 per month was less than the income limit for energy services, so Petitioner should have been eligible for energy services. Thus, the Department did not properly deny Petitioner's request for SER on January 4, 2021. Therefore, the Department's decision is reversed.

DECISION AND ORDER

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 did not act in accordance with its policies and the applicable law when it denied Petitioner's request for SER on January 4, 2021.

IT IS ORDERED that the Department's decision is REVERSED. The Department shall begin to implement this decision within 10 days.

JK/cc



Jeffrey Kemm
Administrative Law Judge
for Elizabeth Hertel, 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-55-Hearings
BSC4-HearingDecisions
E. Holzhausen
T. Bair
MOAHR

Petitioner- Via USPS:

