



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

██████████
██████████
██████████, MI 48089

Date Mailed: June 23, 2021
MOAHR Docket No.: 21-002301
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 via telephone conference line on June 16, 2021. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by Semetria Lane, specialist.

ISSUE

The issue is whether MDHHS properly denied Petitioner's State Emergency Relief (SER) application requesting assistance with energy.

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 ██████████ 2021, Petitioner submitted 3 pages of an SER application requesting payment for energy bills. Petitioner did not include pages addressing household members, current income, current assets, or a signature.
2. On April 20, 2021, MDHHS left a voicemail for Petitioner informing her that she submitted an incomplete SER application and that a full application was required for processing.
3. On April 26, 2021, MDHHS denied Petitioner's SER application due to it being incomplete.

4. As of April 26, 2021, Petitioner had not submitted a complete SER application to MDHHS.
5. On [REDACTED], 2021, Petitioner requested a hearing to dispute the denial of SER.

CONCLUSIONS OF LAW

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. MDHHS policies are contained in the Emergency Relief Manual (ERM).

Petitioner requested a hearing to dispute the denial of an SER application seeking assistance with energy costs.¹ Exhibit A, p. 4. An Application Notice dated [REDACTED], 2021, stated that Petitioner's SER application was denied because it was incomplete. Exhibit A, pp. 11-12.

Applicants must complete and sign one of the following applications in order to apply for SER: a DHS-1514, Application for State Emergency Relief; MDHHS-1171, Assistance Application with the MDHHS-1171-SER, State Emergency Relief (SER) supplemental form; or a MI Bridges online application in which a SER service has been requested. ERM 103 (December 2020) p. 1. Incomplete applications may be filed, but must be completed before authorizing SER. *Id.*

Petitioner submitted to MDHHS three pages of a DHS-1514, Application for State Emergency Relief on [REDACTED], 2021. Exhibit A, pp. 6-8. Notably, Petitioner's application did not include pages asking about household members, income, assets, or a signature page. As a courtesy, MDHHS called Petitioner six days later and left a voicemail stating that Petitioner would have to file a complete SER application for it to be processed. No evidence suggested that Petitioner called MDHHS before her application was denied on April 26, 2021.² No evidence suggested that Petitioner ever completed her application before it was denied. Given the evidence, MDHHS properly denied Petitioner's incomplete SER application.

¹ Petitioner's hearing request included no explanation for programs she disputed. Petitioner testified that she disputed the denial of an SER-energy application.

² Petitioner's testimony suggested she called MDHHS several times after denial for her specialist to complete the application for her. MDHHS responded that specialists could assist with application completion but could not complete applications for clients.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly denied Petitioner's SER-energy application dated [REDACTED] 2021. The actions taken by MDHHS are **AFFIRMED**.

CG/jm



Christian Gardocki
Administrative Law Judge

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-Macomb-20-Hearings
BSC4-HearingDecisions
T. Bair
E. Holzhausen
MOAHR

Petitioner – Via First-Class Mail:

[REDACTED]
[REDACTED]
[REDACTED] MI 48089