



GRETCHEN WHITMER  
GOVERNOR

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

ORLENE HAWKS  
DIRECTOR

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Date Mailed: March 24, 2022  
MOAHR Docket No.: 21-005993  
Agency No.: ██████████  
Petitioner: ██████████

**ADMINISTRATIVE LAW JUDGE: Linda Jordan**

**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, hearing was held via teleconference on February 23, 2022. Petitioner appeared and represented himself. Tina Bradley, Eligibility Specialist, represented the Michigan Department of Health and Human Services (MDHHS or Department).

**ISSUE**

Did MDHHS properly deny Petitioner's application for State Emergency Relief (SER) 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 ██████████, 2021, Petitioner submitted an application for SER for furnace repair assistance (Exhibit A, p. 10-14). The amount Petitioner requested was \$7,500 (Exhibit A, p. 11). Petitioner reported that his furnace needed to be replaced due to boiler failure and that the quoted replacement cost from Larry's Refrigeration LLC (Provider) was \$7,500 (Exhibit A, p. 13).
2. On December 9, 2021, MDHHS called Provider to confirm the Provider's details and a representative from the company informed MDHHS that the work had already been completed and the furnace had been installed on November 12, 2021 (Exhibit A, p. 2).

3. On December 9, 2021, MDHHS sent Petitioner a State Emergency Relief Decision Notice indicating that his request for SER was denied because the emergency had already been resolved and MDHHS cannot reimburse for expenses previously incurred (Exhibit A, pp. 7-19).
4. On [REDACTED], 2021, Petitioner filed a Request for Hearing disputing the denial of his application for SER (Exhibit A, pp. 5-6).

### **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. SER is administered by MDHHS pursuant to MCL 400.10 and Mich Admin Code, R 400.7001-.7049.

In this case, Petitioner applied for SER on [REDACTED], 2021 for help covering the costs of his furnace replacement. MDHHS denied Petitioner's request because it learned from Provider that the work had already been completed on November 12, 2021. MDHHS stated that pursuant to policy, it could not reimburse expenses incurred or paid without prior department approval.

Petitioner also filed a SER application for furnace replacement on [REDACTED], 2021, which was denied by MDHHS for failure to provide the requested verifications in a timely manner (Exhibit 1, pp. 1-5). Petitioner stated that he initially filed a request for hearing disputing MDHHS' decision on the [REDACTED] 2021 application but later withdrew his request. Because Petitioner withdrew his request for hearing regarding the first SER application, that determination is not subject to review by the Michigan Office of Administrative Hearings and Rules (MOAHR) and is beyond the scope of this hearing decision.

The purpose of the SER program is to prevent serious harm to individuals and families by assistant applicants with safe, decent, affordable housing and other essential needs when an emergency arises. ERM 101 (March 2013), p. 1. Applicants must meet all financial and non-financial requirements and have an emergency which threatens health or safety and can be resolved through the issuance of SER. *Id.* Prior to approval, certain conditions must be met. Notably, prior written or oral approval must be given by an authorized department staff person before SER issuance. MDHHS is prohibited from issuing SER to reimburse expenses incurred or paid without department approval. ERM 103 (October 2021), p. 3. Prior approval may be waived in certain limited circumstances in which immediate action is necessary to prevent harm to the group members when an emergency arises while department offices are closed. ERM, pp. 3-4. A manager may

approve a waiver of the prior approval requirement, provided that a SER application is filed within five business days from the date the emergency began. *Id.*

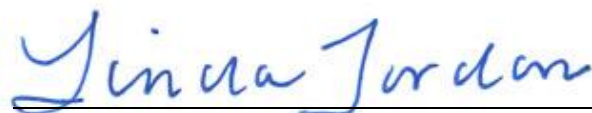
At the hearing, Petitioner did not dispute that Provider installed the furnace on November 12, 2021. Petitioner testified that the furnace was unsafe to use and that any delay in replacing the furnace would be a threat to his safety because the old furnace was a fire hazard. His testimony is supported by Provider's written assessment (Exhibit A, p. 15). While recognizing the exigent nature of the repair, MDHHS was not required to waive the prior approval requirement. ERM 103, pp. 3-4. Based on the record, the emergency began in October 2021 and Petitioner filed the SER application on [REDACTED], 2021. MDHHS's discretion to waive the prior approval requirement is limited to situations where an SER application is filed within five business days from the date that the emergency began, and the emergency incurred while department offices were closed. That was not the situation in this case.

Petitioner also testified that he paid Provider by borrowing money from a friend. He argued that the denial of his SER application due to the reimbursement prohibition was improper because he was obligated to repay his friend for the money that he borrowed and therefore it was not a reimbursement. However, the regulations are clear that prior written or oral approval is necessary before MDHHS can issue SER. There was no evidence or prior written or oral approval in this case. Additionally, the prohibition on reimbursement explicitly states, "[d]o not issue SER to reimburse expenses incurred or paid without prior department approval." ERM 103, p. 3 (emphasis added). Thus, whether the expense had been paid and the source of the payment are immaterial. The record shows that the expense was incurred prior to MDHHS approval.

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 MDHHS acted in accordance with Department policy when it denied Petitioner's application for SER.

### **DECISION AND ORDER**

Accordingly, MDHHS' decision is **AFFIRMED**.



**Linda Jordan**  
Administrative Law Judge

LJ/tm

**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

**Email Recipients:**

MDHHS-Sanilac-Hearings  
T. Bair  
E. Holzhausen  
BSC2  
MOAHR

**First Class Mail-Recipient:**

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