



GRETCHEN WHITMER  
GOVERNOR

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

ORLENE HAWKS  
DIRECTOR

[REDACTED]  
[REDACTED]  
[REDACTED] MI [REDACTED]

Date Mailed: March 23, 2022  
MOAHR Docket No.: 21-006005  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Danielle Nuccio**

**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 March 7, 2022. The Petitioner was represented by Authorized Hearing Representative (AHR) Rosemarie Marks. The Department of Health and Human Services (MDHHS) was represented by LaTonya Beard, Eligibility Specialist.

It is noted that although Exhibit B and Exhibit D were discussed and admitted as evidence during the hearing, the Department representative failed to timely file the documents with the undersigned after the hearing as instructed. Thus, Exhibit B and Exhibit D are excluded from the formal record. Exhibit C was timely submitted. Exhibit A and Exhibit C, which were properly filed and admitted, remain a part of the formal record.

**ISSUE**

Did MDHHS properly deny Petitioner’s State Emergency Relief (SER) request for energy assistance and mortgage assistance?

**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 applied for SER assistance.<sup>1</sup>
2. On November 15, 2021, MDHHS issued a State Emergency Relief Decision Notice to Petitioner, notifying her that if Petitioner pays a \$815.96 copayment on her

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<sup>1</sup> The application was requested to be submitted as MDHHS Exhibit B. The exhibit was not filed and the application date was not testified to.

outstanding electric bill, then MDHHS will pay her \$[REDACTED] towards her electricity bill and \$[REDACTED] towards her heat-natural gas bill. This notice informed Petitioner that no MDHHS payments would be made for any service(s) until Petitioner provided proof that she made the required payment by December 14, 2021 (Exhibit A, pp. 6-9).

3. On or about [REDACTED], 2021, MDHHS denied Petitioner's SER request for failure to provide proof that the required copayment was made (Exhibit A, p. 10).
4. On an unknown date, MDHHS denied Petitioner's application for mortgage payment assistance for failure to provide documentation that the home was threatened with loss due to mortgage foreclosure.
5. On December 20, 2021, MDHHS received Petitioner's timely submitted hearing request regarding the denial of her SER application (Exhibit A, pp. 3-4).

### **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 MDHHS (formerly known as the Department of Human Services) pursuant to MCL 400.10 and Mich Admin Code, R 400.7001-.7049.

Petitioner requested a hearing regarding MDHHS' denial of her SER application. MDHHS denied Petitioner's application for electricity and heat-natural gas because she did not submit the required copayment. MDHHS denied Petitioner's application for mortgage payment assistance for failure to provide documentation that the home was threatened with loss due to mortgage foreclosure. Although Petitioner also referenced assistance with water in her hearing request, the AHR did not identify SER assistance with water as an issue during the hearing.

Policy provides that before authorizing payment of MDHHS' portion of the cost for any services, MDHHS must verify that the client contribution has been paid by the client or will be paid by another agency. ERM 301 (October 2021), p. 11. If multiple services are requested, the client is only required to pay the copayment on one service. However, the copayment must be paid before any other service is paid. ERM 208 (October 2021), p. 2. The fiscal year cap contribution by MDHHS is \$850.00 for gas and \$850.00 for electric. ERM 301, pp. 10-11.

In this case, MDHHS approved Petitioner for the maximum \$[REDACTED] MDHHS contribution towards her outstanding \$1,665.96 electric bill, with Petitioner having to pay the

remaining \$815.96 balance, and for an MDHHS payment of \$[REDACTED] towards the gas bill, which was the entire outstanding amount. MDHHS notified Petitioner that she was required to make her copayment of \$815.96 before MDHHS would authorize the payments for electricity and heat-natural gas that she requested. The AHR concedes that Petitioner did not submit the requested copayment, stating that it is unaffordable and requesting an exception. Copayment modifications can only be made for non-energy services, which Petitioner was not requesting assistance for. ERM 208, p. 2. Since policy requires that a copayment is submitted prior to the SER payment authorization, MDHHS properly denied Petitioner's SER Application for energy services.

Home ownership services payments may be issued to save a home threatened with loss due to mortgage foreclosure. ERM 304 (October 2021), p. 1. The foreclosure must be verified by court order or a written statement from the mortgagee that there is a payment arrearage and failure to correct the deficiency may result in foreclosure or forfeiture proceedings. ERM 304, p. 6.

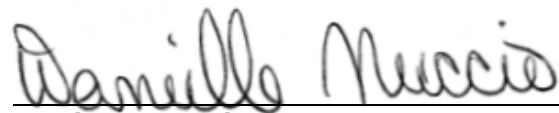
In this case, the AHR testified that she was unsure if the mortgage was in foreclosure status but knew that Petitioner was behind in payments. MDHHS testified that no documentation of foreclosure was submitted with Petitioner's SER application, so it was denied. Since policy requires that mortgage payments may only be authorized by MDHHS due to foreclosure, and no proof of foreclosure was provided by Petitioner, MDHHS properly denied Petitioner's SER 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 MDHHS acted in accordance with Department policy when it denied Petitioner's SER application.

**DECISION AND ORDER**

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

DN/mp



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**Danielle Nuccio**  
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

**Email Recipients:**

MDHHS-Wayne-19-Hearings  
E. Holzhausen  
MOAHR  
T. Bair  
BSC4

**First-Class Mail Recipient:**

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