



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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██████████, MI ██████████

Date Mailed: March 17, 2022  
MOAHR Docket No.: 22-000296  
Agency No.: ██████████  
Petitioner: ██████ ██████

**ADMINISTRATIVE LAW JUDGE:** Kevin Scully

**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; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on March 2, 2022. Petitioner was represented by his attorney ██████ ██████ Petitioner and ██████ ██████ appeared as witnesses for Petitioner. The Department was represented by Assistant Attorney General Stephanie M. Service and Assistance Attorney General Patrick O’Brien. Carrie Weeks and Kenna Lamentola appeared as witnesses for the Department.

**ISSUE**

Did the Department of Health and Human Services (Department) properly deny issuing State Emergency Relief (SER) 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. On ██████████ ██████████ the Department received Petitioner’s State Emergency Relief (SER) application requesting assistance with the replacement of his furnace. Exhibit A, pp 6-17.
2. On November 16, 2021, the Department received a copy of a proposal for the sale and installation of a furnace in Petitioner’s home. Exhibit A, p 18.
3. On November 16, 2021, the Department notified Petitioner that he was eligible for State Emergency Relief (SER) assistance contingent on his payment of a \$309 copayment. Exhibit A, pp 19-22.

4. On [REDACTED] [REDACTED] [REDACTED] the Department received a copy of an invoice dated December 3, 2021, showing that Petitioner had paid \$[REDACTED] towards the purchase of the furnace and that there was a \$4,000 balance. Exhibit A, p 23.
5. On January 3, 2022, the Department notified Petitioner that it would not issue State Emergency Relief (SER) assistance to pay for Petitioner's furnace. Exhibit A, p 24.
6. On [REDACTED] [REDACTED] [REDACTED] the Department received Petitioner's request for a hearing protesting the Department's refusal to issue State Emergency Relief (SER) assistance. Exhibit A, p 5.

### **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 *et seq.* The Department administers the SER program pursuant to MCL 400.10 of the Social Welfare Act, MCL 400.1 *et seq.*, and Mich Admin Code, R 400.7000 through R 400.7049.

State Emergency Relieve (SER) assists with home repairs to correct unsafe conditions and restore essential services. Department of Health and Human Services Emergency Relief Manual (ERM) 304 (October 1, 2021), p 1.

The Low-Income Home Energy Assistance Program (LIHEAP) is the funding source for energy-related repairs. Repair or replacement of a non-functioning furnace is currently the only allowable energy-related home repair. The lifetime maximum for energy-related home repairs is \$4,000. ERM 304, p 2.

The Department will not authorize a SER payment before a SER benefit group as made a required copayment. The SER authorization period is 30 days, which begins on the date the Department receives a signed application for assistance. Department of Health and Human Services Emergency Relief Manual (ERM) 401 (October 1, 2021), p 2.

On [REDACTED] [REDACTED] [REDACTED] the Department received Petitioner's signed application for assistance with the replacement of his nonfunctioning furnace. The Department does not dispute that Petitioner was eligible for this assistance, and on November 16, 2021, it notified Petitioner that he was eligible for SER assistance contingent on his payment of a \$[REDACTED] copayment.

When the Department did not receive verification during the SER authorization period that the \$[REDACTED] copayment had been made, it notified Petitioner that no SER funds would be issued.

Petitioner had a duty to provide the Department with verification that the required copayment had been made, and this duty cannot be delegated to another person. While Petitioner's witness credibly testified that it is her normal business practice to provide the Department with an invoice showing that the deposit or copayment had been made as soon as the invoice has been created, no evidence was provided to establish that the invoice was received by the Department within the SER authorization period.

The hearing record supports a finding that Petitioner delivered a copy of the invoice on December 28, 2021, while checking on the status of his application. This copy of the invoice was received by the Department more than 30 days after his signed SER application had been received by the Department.


The hearing record supports a finding that Petitioner failed to provide the Department with verification during the SER authorization period that the required copayment had been made, and the Department was acting in accordance with its Emergency Relief Manual when it refused to authorize the release of SER assistance.

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 refused to issue SER benefits in this case.

**DECISION AND ORDER**

Accordingly, the Department's decision is AFFIRMED.

KS/nr

  
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Kevin Scully  
Administrative Law Judge  
Michigan Office of Administrative Hearings  
and Rules (MOAHR)

**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**

Marci Walker  
1720 East Main Street  
Owosso, MI 48867

Shiawassee County DHHS- via electronic mail

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**Petitioner**

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