



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

████████████████████
████████████████████
██████████, MI ██████████

Date Mailed: May 23, 2022
MOAHR Docket No.: 22-001656
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 May 17, 2022. Petitioner represented himself. The Department was represented by Maureen Curran and Todd Barus.

ISSUE

Did the Department of Health and Human Services (Department) properly deny Petitioner's applications for 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 Assistance Application requesting assistance for home repairs. Exhibit A, pp 6-15.
2. On December 8, 2021, the Department notified Petitioner that he was eligible for State Emergency Relief (SER) assistance contingent on his \$6,792.20 co-payment. Exhibit A, pp 20-22.
3. On January 6, 2022, the Department received Petitioner's second application for State Emergency Relief (SER) requesting assistance with furnace replacement. Exhibit A, pp 26-38.
4. On January 12, 2022, the Department notified Petitioner that his application for State Emergency Relief (SER) assistance had been denied. Exhibit A, pp 39-41.
5. On April 5, 2022, the Department received Petitioner's request for a hearing protesting the denial of State Emergency Relief (SER) assistance. Exhibit A, pp 4-5.

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 Relief (SER) prevents serious harm to individuals and families. SER assists applicants with safe, decent, affordable housing and other essential needs when an emergency situation arises. Applications for SER assistance must take action within their ability to help themselves. Department of Health and Human Services Emergency Relief Manual (ERM) 101 (March 1, 2013), p 1.

As a condition of State Emergency Relief (SER) eligibility, all the adults in the SER group must agree to take actions within their ability to make potential resources available. Department of Health and Human Services Emergency Relief Manual (ERM) 203 (October 1, 2018), 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. Department of Health and Human Services Emergency Relief Manual (ERM) 304 (October 1, 2021), p 2.

Before the Department will issue SER assistance, it must verify that any copayment or contribution has been paid by the client or will be paid by another agency. Department of Health and Human Services Emergency Relief Manual (ERM) 208 (October 1, 2021), p 5.

On [REDACTED] [REDACTED] the Department received Petitioner's SER application requesting assistance with home repairs for a non-working furnace. On December 8, 2021, the Department notified Petitioner that he was eligible for SER assistance and that the Department would pay the maximum allowed by policy as directed by ERM 304, which was \$4,000, leaving Petitioner with a \$6,792.20 co-payment. The hearing record supports a finding that the Department did not receive verification that Petitioner made the co-payment, and SER assistance was not issued.

Since the Department did not receive verification that Petitioner made his \$6,792.20 co-payment, the Department was acting in accordance with policy when it refused to issue any SER assistance to replace Petitioner's furnace.

On [REDACTED] [REDACTED] Petitioner reapplied for SER assistance, again requesting assistance with furnace replacement. Since receiving his December 1, 2021, application for SER assistance, the Department had discovered that Petitioner was able to resolve his own emergency by installing a heater in his home. The hearing record supports a finding that as of January 12, 2022, there was no emergency that would be resolved through the issuance of SER assistance, and the Department denied Petitioner's [REDACTED] [REDACTED] application for SER assistance.

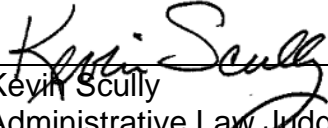
Petitioner did not dispute that a heater had been installed in his home but argued that it was insufficient. Petitioner failed to establish that he meets the criteria for receiving SER assistance.

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 denied Petitioner's [REDACTED] [REDACTED] and [REDACTED] [REDACTED] applications for State Emergency Relief (SER) assistance.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/nr



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

Traci Croff
40 Care Drive
Hillsdale, MI 49242

Hillsdale County DHHS- via electronic mail

BSC4- via electronic mail

T. Bair- via electronic mail

E. Holzhausen- via electronic mail

Petitioner

████████████████████ - via first class mail
████████████████████
██████████, MI ██████████