



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: September 16, 2022
MOAHR Docket No.: 22-003601
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Landis Lain

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 September 15, 2022, from Lansing, Michigan. The Petitioner ██████████ self-represented at the hearing. The Department of Health and Human Services (Department) was represented by Gina Ani, Supervisor and Nasser Hilliker, Eligibility Specialist.

ISSUE

Did the Department properly deny Petitioner's application for State Emergency Relief (SER)?

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 ██████████ 2022, an application for SER assistance was received by the Department for assistance with furnace repairs.
2. On July 13, 2022, the Department denied the application because Petitioner indicated that she was NOT the property owner on her SER application.
3. On July 12, 2022, Petitioner notified the Department that she did own the property and made a mistake on her application.

4. On July 12, 2022, the Department reconsidered Petitioner's eligibility for SER.
5. On July 17, 2022, the Department contacted Petitioner's employer to determine Petitioner's income.
6. On July 25, 2022, the Department denied Energy related requests denied due to excess income.
7. On July 25, 2022, Client notified, by DHS 1419 SER Decision Notice, of denial for excess income.
8. On August 15, 2022, a Request for Hearing was received by local DHS office

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

Pertinent Department policy dictates:

Applicants must complete and sign one of the following applications in order to apply for State Emergency Relief (SER):

- DHS-1514, Application for State Emergency Relief.
- MDHHS-1171, Assistance Application, and the MDHHS-1171- SER, State Emergency Relief (SER) supplemental form.
- A MI Bridges online application in which a SER service has been requested. Applicants may file an application for SER in any county in Michigan.

An application submitted through MI Bridges for a SER covered service is considered a complete application, no additional application is required. Incomplete applications may be filed, but must be completed before authorizing SER. An MDHHS-1171, Assistance Application, is considered an application for SER if the client indicates they are applying for State Emergency Relief and the minimum information is provided, even if the MDHHS-1171-SER supplement has not been submitted. In instances where the

MDHHS-1171-SER supplement is not received by the department, it should be requested from the client or completed during an interview. Any person has the right to apply for an SER.

Obtain all supporting verifications and applicant signatures. The signature(s) establishes that clients understand their rights and responsibilities and that they prepared the application(s) truthfully under penalty of perjury. (ERM 103, page 1)

The SER budget computation period is 30 days. This is referred to as the countable income period. The first day of the countable income period is the date the local office receives a signed application for SER. Example: The local office receives a signed application on November 16. The countable income period is November 16 through December 15. (ERM 206, page 1)

SER group members must use their available income and cash assets that will help resolve the emergency. Do not authorize a SER payment unless it will resolve the emergency. (ERM 208 page 1)

State Emergency Relief (SER) helps to prevent loss of a home if no other resources are available and the home will be available to provide safe shelter for the SER group in the foreseeable future. SER also assists with home repairs to correct unsafe conditions and restore essential services.

The following services are covered by this item:

1. Home ownership services.
 - House payments (mortgage, land contract payment or mobile home sales contract), including principal and interest, legal fees and escrow accounts for taxes and insurance.
 - Property taxes and fees.
 - Mobile home lot rent for owners or purchasers of mobile homes.
 - House insurance premiums that are required pursuant to the terms of a mortgage or land contract.
2. Energy-related home repairs.
3. Non-energy-related home repairs.

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. All energy-related repairs approved since 1/1/1978 count toward this maximum, including previously authorized repairs covered as energy-related home repairs. View Benefit Issuance/SER Adjustments/View SER Cap to verify the cumulative total of energy related home repairs.


In this case, Petitioner had gross income of \$[REDACTED] for the 30 days prior to the application. The department deducted \$560 for taxes which left \$[REDACTED] in income. The income need standard for a person in Petitioner's circumstances is \$445. \$[REDACTED] - \$445 = \$[REDACTED] in excess income.

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 application for State Emergency Relief for furnace repair because she had countable income is higher than the maximum amount allowed for this program.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.

LL/ml



Landis Lain
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 Electronic Mail :

DHHS
Kimberly Kornoelje
Kent County DHHS
121 Franklin SE
Grand Rapids, MI 49507
MDHHS-Kent-Hearings@michigan.gov

Interested Parties
BSC3
T. Bair
E. Holzhausen
MOAHR

Via First Class Mail :

Petitioner
[REDACTED]
[REDACTED]
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