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GOVERNOR

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

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DIRECTOR

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Date Mailed: September 28, 2022
MOAHR Docket No.: 22-003791
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 hearing was held via telephone conference line on September 26, 2022. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by Heather Hembree, program manager.

ISSUE

The issue is whether MDHHS properly denied Petitioner’s State Emergency Relief (SER) application requesting energy 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 ██████████ 2022, Petitioner applied for SER seeking assistance with an energy bill and reported no other persons in the household. Petitioner also reported recently starting full-time employment for \$█████████ per hour.
2. On July 29, 2022, MDHHS denied Petitioner’s SER application due to excess income.
3. On August 4, 2022, Petitioner requested a hearing to dispute the denial of SER.
4. On August 4 and August 18, 2022, Petitioner received at least \$█████████ in combined gross employment income.

CONCLUSIONS OF LAW

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. MDHHS policies are contained in the Emergency Relief Manual (ERM).

Petitioner requested a hearing to dispute a denial of an SER application. Exhibit A, pp. 3-4. Petitioner applied for SER on ██████████ 2022, seeking payment of an energy bill. A State Emergency Relief Decision Notice dated July 29, 2022, stated that Petitioner was denied SER- Energy due to excess income. Exhibit A, pp. 5-7.

There are no income copayments for SER- Energy. ERM 208 (October 2021) p. 1. With respect to income, clients are either eligible or not for SER-Energy. *Id.* For a group to be eligible for SER-Energy, the combined monthly net income that is received or expected to be received by all group members in the 30-day countable income period, cannot exceed the income standard which is based on the number of group members. *Id.* If the income exceeds the income standard limit, the SER request must be denied. *Id.*

A single SER group consists of persons who occupy the same home. ERM 201 (October 2020) p. 1. It was not disputed that Petitioner resided alone. Thus, Petitioner's SER group size is one person.

MDHHS is to verify and budget all non-excluded gross income the SER group expects to receive during the countable income period. ERM 206 (November 2019) p. 1. The countable income period consists of 30 days beginning with the SER application date. *Id.* In the present case, the countable income period is from July 27 to August 25, 2022.

MDHHS testified that Petitioner applied for SER and reported recently started full-time employment income for \$██████ per hour. MDHHS further testified that Petitioner reported she would receive biweekly income beginning August 4, 2022. Multiplying Petitioner's reported hourly wage by 80 hours results in \$██████ in gross biweekly income. MDHHS budgeted and calculated a lower and more favorable amount of \$██████ in biweekly income. MDHHS further calculated that Petitioner would receive \$██████ in gross income during the countable income period.

Petitioner testified that she received no less than \$██████ and \$██████ in gross income on August 4 and August 18, respectively. Taking Petitioner at her word would result in at least \$██████ in gross income during the countable income period. For purposes of this decision, Petitioner's testimony will be accepted as fact.

The SER-energy income standard limit for a one-person group is \$1,610. ERM 208 (October 2021) p. 8. Petitioner's countable income of at least \$██████ exceeds the income limit for SER-Energy. Thus, MDHHS properly denied Petitioner's SER- Energy application due to excess income.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly denied Petitioner's SER- Energy application dated [REDACTED] 2022 due to excess income. The actions taken by MDHHS are **AFFIRMED**.

CG/mp



Christian Gardocki

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
MDHHS-Oakland-6303-Hearings
E. Holzhausen
MOAHR
T. Bair
BSC4

Via-First Class Mail :

Petitioner

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[REDACTED] MI [REDACTED]