



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: November 3, 2022
MOAHR Docket No.: 22-004050
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 October 6, 2022, from Lansing, Michigan. Petitioner represented himself. The Department was represented by Lianne Scupholm and Noelle Hogan.

ISSUE

Did the Department of Health and Human Services (Department) properly deny granting State Emergency Relief (SER) to Petitioner?

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, the Department received Petitioner's application for State Emergency Relief (SER) assistance. Exhibit A, pp 5-10.
2. On July 22, 2022, the Department notified Petitioner that he was eligible for State Emergency Relief (SER) assistance contingent on verification that Petitioner made a \$31.47 co-payment by August 18, 2022. Exhibit A, pp 11-13.
3. On August 19, 2022, the Department received verification that Petitioner made a \$33.97 payment to the City of Battle Creek. Exhibit A, p 14.
4. On █████ █████ 2022, the Department received another application for State Emergency Relief (SER) assistance. Exhibit A, pp 17-22.
5. Petitioner receives monthly earned income in the gross monthly amount of \$████████ Exhibit A, p 27.

6. On August 25, 2022, the Department notified Petitioner that his application for State Emergency Relief (SER) assistance had been denied. Exhibit A, pp 23-25.
7. On September 6, 2022, the Department received Petitioner's request for a hearing protesting the denial of State Emergency Relief (SER) assistance. 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 *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.

Petitioner applied for SER assistance on [REDACTED] 2022, and the Department approved his application. On July 22, 2022, the Department notified Petitioner that before SER funds could be disbursed that it was necessary for him to provide the Department with verification by August 18, 2022, that he had made a \$31.47 co-payment. Department records indicate that it received verification on August 19, 2022, that Petitioner had made his required co-payment. The Department declined to issue SER assistance as directed by ERM 103.

Petitioner testified that he provided the Department with verification that he had made his required co-payment before August 18, 2022, but he failed to offer any evidence supporting his testimony.

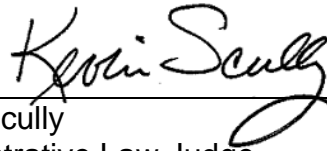
Petitioner reapplied for SER assistance on [REDACTED] 2022. Petitioner had started employment and was receiving earned income in the gross monthly amount of \$[REDACTED]. The monthly income limit for a household of one was \$1,610 on August 19, 2022. Department of Health and Human Services Emergency Relief Manual (ERM) 208 (October 1, 2021), p 6.

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] 2022, and [REDACTED] 2022, 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

Via-Electronic Mail :

DHHS
Carisa Drake
Calhoun County DHHS
190 East Michigan
Battle Creek, MI 49016
**MDHHS-Calhoun-
Hearings@michigan.gov**

Interested Parties
Calhoun County DHHS
BSC3
T. Bair
E. Holzhausen
MOAHR

Via-First Class Mail :

Petitioner
[REDACTED]
[REDACTED]
[REDACTED], MI [REDACTED]