



GRETCHEN WHITMER  
GOVERNOR

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

ORLENE HAWKS  
DIRECTOR

[REDACTED]  
[REDACTED]  
[REDACTED] MI [REDACTED]

Date Mailed: January 11, 2023  
MOAHR Docket No.: 22-005349  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Colleen Lack**

### **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 December 14, 2022, from Lansing, Michigan. [REDACTED], the Petitioner appeared on her own behalf. The Department of Health and Human Services (Department) was represented by Carrie Taylor, Assistance Payment's Supervisor (APS).

During the hearing proceeding, the Department's Hearing Summary Packet was admitted as Exhibit A, pp. 1-21

### **ISSUE**

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

### **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 [REDACTED] 2022, Petitioner applied for SER for assistance with a hot water heater. Petitioner requested \$838.60. (Exhibit A, pp. 2 and 17)
2. The Department reviewed verifications of Petitioner's income. (Exhibit A, pp. 7-12 and 15-16)
3. The Department determined that Petitioner's co-payment was \$1,297.99. (Exhibit A, pp. 13-14)

4. On October 31, 2022, a SER Decision Notice was issued to Petitioner denying SER for assistance with non-energy home repairs because her income/asset copayment was equal to or greater than the amount needed to resolve the emergency. (Exhibit A, pp. 17-19)
5. On November 1, 2022, Petitioner requested a hearing contesting the Department's determination. (Exhibit A, pp. 3-6)

### **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.

SER Home Ownership covers some non-energy related home repairs, including hot water heaters. (ERM 304, October 1, 2021, p. 3) Home repair payments are issued only if the repair(s) is essential to remove a direct threat to health or safety or is required by law or a mobile home park regulation. The repair(s) must restore the home to a safe, livable condition. SER does not pay for improvements or nonessential repairs. ((ERM 304, October 1, 2021, p. 4)

Regarding income eligibility for SER, the SER budget computation period is 30 days. The first day of the countable income period is the date the local office receives a signed application for SER. The Department is to verify and budget all non-excluded gross income the SER group expects to receive during the countable income period. (ERM 206, November 1, 2019, p. 1) The ERM policy lists the specific types of income that are excluded. (ERM 206, November 1, 2019, p. 3)

An application for SER is denied if the copayment, shortfall, contribution or combination exceeds the need amount. ERM 103, October 1, 2022, p. 5.

In this case, Petitioner applied for FAP for assistance with a hot water heater. Petitioner requested \$838.60. (Exhibit A, pp. 2 and 17) The Department reviewed verifications of Petitioner's income. (Exhibit A, pp. 7-12 and 15-16) The Department determined that Petitioner's co-payment was \$1,297.99. (Exhibit A, pp. 13-14) On October 31, 2022, a SER Decision Notice was issued to Petitioner denying SER for assistance with non-energy home repairs because her income/asset copayment was equal to or greater than the amount needed to resolve the emergency. (Exhibit A, pp. 17-19)

However, the Department subsequently approved other emergency funding for Petitioner's hot water heater. (APS Testimony)

Petitioner indicated she believed the Department should not have denied her application for SER. Petitioner told the worker she just started work and she had been off for pregnancy related illnesses. Petitioner was behind on all of her bills. The bank took most of her pay to cover overdue payments. Therefore, Petitioner did not have access to her income. (Petitioner Testimony) However, this circumstance does not allow for exclusion of Petitioner's income under the ERM 206 policy.

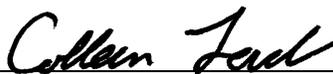
Ultimately, the Department properly determined that Petitioner was not eligible for SER for assistance with her water heater. Petitioner's countable income was verified and considered. Petitioner's co-payment of \$1,297.99 exceeded the requested need amount of \$838.60. Therefore, the denial of Petitioner's application for SER is upheld.

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 SER benefits.

**DECISION AND ORDER**

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

CL/ml

  
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**Colleen Lack**  
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**  
Renee Olian  
Kalamazoo County DHHS  
427 E Alcott St  
Kalamazoo, MI 49001  
**MDHHS-Kalamazoo-  
Hearings@michigan.gov**

**Interested Parties**

BSC3  
E Holzhausen  
K Schulze  
MOAHR

**Via First Class Mail :**

**Petitioner**

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