



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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[REDACTED]
[REDACTED] MI [REDACTED]

Date Mailed: February 13, 2023
MOAHR Docket No.: 22-006047
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Zainab A. Baydoun

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 January 25, 2023, from Detroit, Michigan. Petitioner appeared for the hearing and represented himself. The Department of Health and Human Services (Department) was represented by Keela Morris, Assistance Payments Supervisor.

ISSUE

Did the Department properly deny Petitioner's application 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 or around [REDACTED] 2022, Petitioner submitted an application requesting SER assistance with his DTE energy electric bill. (Exhibit A, pp. 8-13)
2. On or around November 18, 2022, the Department sent Petitioner a SER Verification Checklist (VCL) instructing him to submit verification of his veterans compensation by November 28, 2022. (Exhibit A, p. 14)
3. On or around November 29, 2022, the Department sent Petitioner a State Emergency Relief Decision Notice, advising him that his request for SER assistance with non-heat electricity services was denied because verification of unearned income was not returned. (Exhibit A, pp.16-18)
4. On or around December 16, 2022, Petitioner requested a hearing disputing the Department's actions with respect to the denial of his SER application. Included

with Petitioner's request for hearing was the requested verification of his veterans compensation. (Exhibit A, pp. 4-6)

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.

Eligible households who meet all SER eligibility requirements may receive assistance to help them with household heat and electric costs. Funding for energy services assistance is provided through the Low-Income Home Energy Assistance Program (LIHEAP). A household may receive one SER payment for heat and one for non-heat electricity, up to the SER cap each fiscal year. ERM 301 (December 2021), p. 1. When the group's heat or electric service for their current residence is in past due status, in threat of shutoff or is already shut off and must be restored, payment may be authorized to the enrolled provider. ERM 301, pp. 3-4. SER group members must use their available income and cash assets that will help resolve the emergency and the Department will not authorize a SER payment unless it will resolve the emergency. ERM 208 (October 2021), p. 1.

Clients must be informed of all verifications that are required and where to return verifications. The Department will send a SER Verification Checklist (VCL) to request verifications and to notify the client of the due date for returning the verifications. The due date is eight calendar days beginning with the date of application. If the application is not processed on the application date, the deadline to return verification is eight calendar days from the date verification is requested. This does not change the standard of promptness date. ERM 103 (October 2022), pp.1-8. The client must make a reasonable effort to obtain required verifications. The specialist must assist if the applicant needs and requests help. If neither the client nor the specialist can obtain the verifications despite a reasonable effort, use the best available information. If no evidence is available, the specialist must use their best judgment. Verifications are considered timely if received by the date they are due. ERM 103, pp.1-8. The Department will inform all SER applicants in writing of the decision made on their application by sending a DHS-1419, Decision Notice advising of the approval or denial of the application. ERM 108, pp. 1-8.

In this case, the Department representative testified that Petitioner's SER application was denied because he failed to timely submit verification of his unearned income from


veterans compensation benefits by the November 28, 2022, due date identified on the SER VCL. The Department representative testified that Petitioner was notified of the denial of his application through the November 29, 2022, State Emergency Relief Decision Notice. Although the Department confirmed that Petitioner submitted the requested verification of unearned income on December 16, 2022, the application had already been denied as the deadline for submission had expired. At the hearing, Petitioner did not dispute that he submitted the income verification on December 16, 2022, and not prior to the November 28, 2022, due date identified on the VCL. Petitioner testified that he did not receive the VCL which is why he did not timely submit the requested verification. Petitioner confirmed that the mailing address where the VCL was sent was his correct mailing address and further confirmed that he was not having any problems with mail at the time. There was no evidence that the VCL was returned to the Department by the United States Postal Service as undeliverable. Additionally, Petitioner confirmed that he received the SER Decision Notice issued on November 29, 2022. Petitioner also testified that he was receiving assistance from DTE with completion of the SER application and was informed that DTE should have forwarded everything to the Department.

Notwithstanding Petitioner's testimony, the evidence established that because Petitioner did not submit the requested verification of unearned income prior to the due date identified on the SER VCL, 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, SER application for failure to timely submit verification of unearned income. Petitioner is advised that he is entitled to submit a new SER application and his eligibility will be determined from the application date.

DECISION AND ORDER

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

ZB/ml



Zainab A. Baydoun
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
Yvonne Hill
Oakland County DHHS Madison Heights
Dist.
30755 Montpelier Drive
Madison Heights, MI 48071
**MDHHS-Oakland-DistrictII-
Hearings@michigan.gov**

Interested Parties

BSC4
E Holzhausen
K Schulze
MOAHR

Via First Class Mail :

Petitioner

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