



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: April 7, 2023
MOAHR Docket No.: 23-000063
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Ellen McLemore

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 April 6, 2023, via conference line. Petitioner was present with her Authorized Hearing Representative (AHR), ██████████. The Department of Health and Human Services (Department) was represented by Sharon Strickland, Eligibility Specialist and Erik Lewis, Assistance Payments Supervisor.

ISSUE

Did the Department properly approve 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 October 20, 2022, Petitioner submitted an application for SER benefits to replace her hot water heater (Exhibit A, pp. 17-24).
2. On October 25, 2022, the Department sent Petitioner a State Emergency Relief Decision Notice informing her that her application was approved for the maximum amount allowed by policy of \$██████, with a copayment of \$753.00 (Exhibit A, pp. 28-30).
3. On October 31, 2022, Petitioner submitted verification of payment of her copayment. The Department authorized the payment of \$██████, which was paid to the vendor.

4. On December 9, 2022, Petitioner submitted a request for hearing, requesting reimbursement of her copayment.
5. On February 17, 2023, Petitioner submitted an application for assistance for non-heat electric and her gas utilities.
6. In March 2023, the Department made payments to DTE.
7. Petitioner submitted a second request for hearing disputing the Department's actions.

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.

In this case, Petitioner applied, and was approved for, assistance with the purchase of a new water heater. On October 31, 2022, the Department issued payment to Petitioner's provider, as she submitted verification that she paid her copayment. Petitioner submitted a request for hearing, seeking reimbursement of her copayment.

Certain conditions must be met before SER can be issued to help individuals and families. ERM 103 (January 2018), p. 3. Prior written or oral approval must be given by an authorized Department staff person before SER issuance. ERM 103, p. 3. The SER payment must resolve the emergency. ERM 103, p. 3. The Department will not issue SER to reimburse expenses incurred or paid without Department approval. ERM 103, p. 3.

Petitioner did not dispute her copayment prior to the Department issuing her benefits. The Department does not reimburse clients for expenses incurred. Petitioner should have requested a hearing disputing her copayment prior to making the payment. As the Department does not authorize reimbursements, the Department acted in accordance with policy when processing Petitioner's SER application.

The Department testified that Petitioner requested assistance with her non-heat electric and gas utilities. In March 2023, the Department made payments in the amount of \$[REDACTED] and \$[REDACTED] to DTE to pay Petitioner's past due amount for her gas utility. Also in March, 2023, the Department paid DTE \$[REDACTED] toward Petitioner's total past due amount of \$[REDACTED] for her non-heat electric. The Department previously made a

\$[REDACTED] payment toward her non-heat electric in October 2022, and Petitioner reached her yearly fiscal cap (Exhibit A, p. 6).

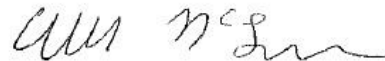
Low-income households who meet all SER eligibility requirements may receive assistance to help them with household heat and electric costs. ERM 301 (December 2022), p. 1. Households may receive more than one SER payment per year, up to the service cap. ERM 301, p. 1. The fiscal year cap for non-heat electric is \$850. ERM 301, p. 11. When processing a payment for energy services, the Department uses the past due amount. ERM 301, p. 4.

The Department testified that it issued benefits to Petitioner for her gas utility in the total past due amount. The Department also presented evidence that it issued payment for Petitioner's non-heat electric utility for the maximum allowed by policy. Petitioner did not dispute the Department's testimony. Therefore, the Department acted in accordance with policy when it processed Petitioner's SER application.

DECISION AND ORDER

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 determined Petitioner's SER eligibility. Accordingly, the Department's decision is **AFFIRMED**.

EM/tm



Ellen McLemore
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
Nathan Norman
Wayne-Adult Medical-DHHS
3040 West Grand Blvd
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Interested Parties
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BSC4

Via-First Class Mail :

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

Authorized Hearing Rep.
[REDACTED]
[REDACTED]
[REDACTED] MI [REDACTED]

