



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: March 27, 2023  
MOAHR Docket No.: 23-000274  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Linda Jordan**

### **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 on March 20, 2023 via teleconference. Petitioner appeared and represented herself. Valarie Foley, Hearings Facilitator, appeared on behalf of the Michigan Department of Health and Human Services (MDHHS or Department).

### **ISSUE**

Did MDHHS properly deny Petitioner's request for State Emergency Relief (SER) services?

### **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 December 28, 2022, Petitioner applied for State Emergency Relief (SER) for assistance paying energy-related utilities.
2. On January 4, 2023, MDHHS sent Petitioner a Verification Checklist (VCL) requesting verification of household members' earned income (Exhibit A, p. 5). The VCL indicated that proofs were due by January 11, 2023 (Exhibit A, p. 5).
3. On January 13, 2023, MDHHS issued a SER Decision Notice, indicating that Petitioner's application for SER services had been denied (Exhibit A, p. 7). MDHHS included several reasons for the denial, including failure to verify Petitioner's income and the bill was not connected to the current address (Exhibit A, p. 8). The Notice also indicated that Petitioner's request for home ownership

assistance was denied because the service requested was not covered under SER policy (Exhibit A, p. 8).

4. On January 17, 2023, Petitioner filed a Request for Hearing to dispute the denial of her application for SER (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-.119b. MDHHS administers the SER program pursuant to MCL 400.10 and Mich Admin Code, R 400.7001-.7049.

In this case, MDHHS denied Petitioner's SER application due to an alleged failure to return the requested verifications.

To be eligible for SER services, the applicant must (i) complete the application process; (ii) meet financial and non-financial requirements; (iii) have an emergency which threatens health or safety and can be resolved through the issuance of SER; (iv) take action within their ability to help themselves; (v) not have caused the emergency; and (vi) cooperate in providing eligibility information to MDHHS. ERM 101 (March 2013), p. 1. Applicants for SER must cooperate with the application process, provide verifications, and answer all questions truthfully and completely. ERM 103 (October 2022), p. 1. Clients must be informed of all verifications that are required and where to return verifications. *Id.*, p. 6. The client must make a reasonable effort to obtain the verification and MDHHS must assist the client if the client needs and requests help. *Id.*

Although the SER Decision Notice listed several reasons for the SER denial, MDHHS testified that it was due to Petitioner's failure to return employment verifications for two of her household members. This conflicts with the SER Decision Notice, which stated that the employment-related verification was needed to verify Petitioner's income (Exhibit A, p. 8). No evidence was presented regarding homeownership assistance, or the issue related to Petitioner's address. At the hearing, Petitioner testified that she provided all the verifications that MDHHS requested regarding earned income by uploading the documents to her online portal. Petitioner also testified that she informed MDHHS that one of the household members was no longer living in the home because he was attending college. Petitioner's testimony was credible and un rebutted.

The record shows that Petitioner was attempting to comply with MDHHS' requests for verification. The VCL requested information regarding Petitioner's household members' income and Petitioner testified that she provided proof of income for all current

household members. Additionally, the SER Decision Notice was insufficient because it provided several reasons for the denial which were not supported by the evidence presented at the hearing.

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 MDHHS failed to satisfy its burden of showing that it acted in accordance with Department policy when it denied Petitioner's application for SER.

### **DECISION AND ORDER**

Accordingly, MDHHS' decision is **REVERSED**.

MDHHS IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reregister and reprocess Petitioner's December 28, 2022 SER application;
2. Issue supplements to Petitioner or her provider for any SER benefits that she was eligible to receive but did not from December 28, 2022, ongoing; and
3. Notify Petitioner of its decision in writing.



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**Linda Jordan**  
Administrative Law Judge

LJ/tm

**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**  
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**Interested Parties**  
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**Petitioner**  
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