



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]
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[REDACTED] MI [REDACTED]

Date Mailed: May 18, 2023
MOAHR Docket No.: 23-001429
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 April 19, 2023, from Detroit, Michigan. Petitioner appeared for the hearing with his daughter/Authorized Hearing Representative (AHR) [REDACTED] who also assisted with Arabic language interpretation. The Department of Health and Human Services (Department) was represented by Valarie Foley, Hearing Facilitator.

ISSUE

Did the Department properly process 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] 2023, Petitioner submitted an application for SER requesting assistance with heat, electricity, and water services. (Exhibit A, pp. 14-17)
2. In processing the application, the Department obtained information from the Online Resources for Agencies (ORA) showing that the past due amount of Petitioner's DTE Energy heat/gas bill was \$0 and the past due amount for his electric bill was \$0. (Exhibit A, p. 10-11)
 - a. The ORA report showed unbilled charges of \$805.77.
3. On or around March 2, 2023, the Department sent Petitioner an Application Notice, advising him that his request for SER with heat and electric services was denied

because according to information obtained from DTE, he did not have a past due balance. (Exhibit A, pp. 6-9)

4. The Department failed to process Petitioner's request for SER assistance with water services.
5. On or around March 14, 2023, Petitioner requested a hearing disputing the Department's actions with respect to the denial of his SER application. (Exhibit A, pp. 3-4)
6. After receiving Petitioner's request for hearing, the Department processed the request for SER assistance with water. On or around March 28, 2023, the Department sent Petitioner a State Emergency Relief Decision Notice, advising him that the Department approved \$350 towards his \$455.62 request for assistance with water services. The SER Decision Notice further informs Petitioner that he must make a \$115.62 contribution copayment towards his request for assistance and provide proof that his payment has been made prior to April 13, 2023, or the Department would not make its approved payment. (Exhibit B)
7. There was no evidence that Petitioner made his \$115.62 contribution payment or that he provided verification of such payment to the Department prior to April 14, 2023. Therefore, the Department did not authorize its approved \$350 payment towards Petitioner's SER request with water services.

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 disputed the Department's actions with respect to his [REDACTED] 2023, request for SER assistance with heat, electric, and water services.

Heat and Electric Services

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). ERM 301 (December 2022), 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. The SER should be processed using the past due amount and current bills that are not subject to shutoff should not be included in the amount needed. ERM 301, pp. 3-5. The Department must verify past due status, threatened shutoff or the need for gas or electricity and a bill must be obtained before authorizing a payment. The Department will contact the energy company and can use the Online Resources for Agencies (ORA) to access a client's energy account information and verify the account statement provided on the website in lieu of an actual bill. If the online statement is used, a copy must be retained in the case record. ERM 301, pp.11-13.

At the hearing, the Department representative testified that in processing the application, information was obtained from ORA showing that the Petitioner's heat and electric services were not in past due status and were not in threat of shut off or already shut off as the past due amount of Petitioner's DTE Energy electric and heating bills was \$0. The Department testified that although the ORA report showed unbilled charges of \$805.77, because there were no past due amounts identified, Petitioner did not meet the eligibility criteria to receive SER. Petitioner was notified of the denial through the March 2, 2023, Application Notice. Petitioner testified that at the time of the [REDACTED] 2023, SER application, he did not have a shut off notice for his heat and electric bills, but he was late on his payments and had a past due balance. Petitioner testified that he submitted a bill to the Department showing past due amounts. Upon review of Petitioner's electronic case file, the Department located a statement submitted by Petitioner on or around March 23, 2023, after the application had already been denied, showing that his DTE account had a past due amount of \$534.21. While Petitioner asserted he submitted a copy of a bill from DTE with his application, there was no documentation presented in support of Petitioner's testimony.

Based on the information available to the Department at the time the application was processed, the Department properly relied on the ORA report which showed that Petitioner's DTE account was not in past due or shut off status, as \$0 was the past due amount identified. As such, the Department properly denied Petitioner's SER request for assistance with heat and electric services. Petitioner is advised that he is entitled to submit a new request for SER and his eligibility will be determined.

Water Utility Services

SER helps to restore or prevent shut off of a utility service, such as water, when service is necessary to prevent serious harm to SER group members. The Department can award payments toward water or sewage up to the fiscal year cap if it will resolve the emergency. The fiscal year cap for assistance with a water bill is \$350. The payment must restore or continue service for at least 30 days at the current residence. The Department must verify actual or possible shutoff of water by reviewing a disconnect notice from the utility company, information from the utility provider website, an overdue or delinquency notice, or a collateral contact with the provider. ERM 302 (December 2022), pp.1-5. Additionally, the SER group must contribute toward the cost of resolving the emergency if SER does not cover the full cost of the service. Other persons or organizations can also contribute funds on behalf of the SER group. Prior to authorizing the Department's portion of the cost services, verification that the contribution has been

paid must be received before any SER payment can be made. ERM 208 (December 2022), pp.1-7. Department policy provides that if the SER group meets all eligibility criteria but has an income or asset copayment, shortfall, and/or contribution, verification of payment must be received in the local office within the 30-day eligibility period or no SER payment will be made and the client must reapply. If another agency is making the payment, proof that payment will be made is required. ERM 208; ERM 103, p. 4.


In this case, the Department representative testified that although Petitioner's request for SER assistance with water services was not initially processed, after receiving his request for hearing, the Department processed the request and issued the March 28, 2023, State Emergency Relief Decision Notice, approving Petitioner's request for water services in the amount of \$350, which is the fiscal year cap. Because the SER amount did not cover the full cost of the service requested, the Department determined that Petitioner was required to make a contribution of \$115.62 towards his request for assistance, and submit verification that payment was made prior to April 14, 2023. The Department representative testified that because there was no evidence that Petitioner made any contribution and failed to submit verification that the contribution was made prior to April 14, 2023, the Department did not make its approved \$350 payment towards Petitioner's request with SER assistance with water services. At the hearing, Petitioner did not dispute that he failed to make his \$115.62 contribution and further failed to dispute that he submitted verification of the contribution to the Department by April 14, 2023. As such, the Department properly denied Petitioner's request for SER with water services. Petitioner is advised that he is entitled to submit a new request for SER and his eligibility will be determined.

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 processed and denied Petitioner's application for SER assistance.

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
Susan Noel
Wayne-Inkster-DHHS
26355 Michigan Ave
Inkster, MI 48141
MDHHS-Wayne-19-Hearings@michigan.gov

Interested Parties

BSC4
E Holzhausen
J McLaughlin
MOAHR

Via First Class Mail:

Authorized Hearing Rep.

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Petitioner

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