



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: June 6, 2023
MOAHR Docket No.: 23-002016
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 May 4, 2023, from Detroit, Michigan. Petitioner appeared for the hearing and represented herself. The Department of Health and Human Services (Department) was represented by Candice Benns, 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 January 27, 2023, Petitioner submitted an application for SER requesting assistance with heat and electricity services.
2. On or around January 30, 2023, the Department sent Petitioner a State Emergency Relief Decision Notice, advising her that the Department approved \$ [REDACTED] towards her \$537.98 request for assistance with electric services and that the Department approved \$ [REDACTED] towards her \$1,005.87 request for assistance with heat services. The SER Decision Notice further informed Petitioner that she must make a \$155.87 contribution copayment towards her request for assistance (for heat) and provide proof that this payment has been made prior to February 25, 2023, or the Department would not make its approved payment. (Exhibit A, pp.5-6)

3. On or around February 3, 2023, Petitioner submitted to the Department receipts for two money orders that were paid to DTE energy. The first reflected an amount of \$136 with a \$2.25 fee and the second reflected an amount of \$17 with a \$2.25 fee. (Exhibit A, p. 7)
4. The Department determined that Petitioner made a \$153 payment to DTE, as the additional fees for the money order were deducted.
5. The Department concluded that because Petitioner did not make a total payment of \$155.87, it would not make its approved payments of \$[REDACTED] towards her request for electric services or \$[REDACTED] towards her request for heat services.
6. On or around April 7, 2023, Petitioner requested a hearing disputing the Department's actions. Petitioner asserted that she made her required contribution, and the Department did not make its approved payment.

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 denial of her January 27, 2023, SER application.

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.

Additionally, 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. 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.

At the hearing, the Department representative testified that in connection with her January 27, 2023, SER application, on or around January 30, 2023, the Department sent Petitioner a State Emergency Relief Decision Notice, advising her that the Department approved \$ [REDACTED] towards her \$ [REDACTED] request for assistance with electric services and that the Department approved \$ [REDACTED] towards her \$1,005.87 request for assistance with heat services. 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 \$155.87 towards her request for assistance with heat services, and submit verification that payment was made prior to February 25, 2023. The Department representative testified that although Petitioner timely submitted receipts showing that two money orders were purchased for issuance to DTE, because the payment to DTE (not including fees for the money orders), only totaled \$153, and not the required total contribution payment of \$155.87, the Department did not make its approved payments of \$ [REDACTED] towards her request for electric services or \$ [REDACTED] towards her request for heat services and the SER application was denied.

Petitioner did not dispute that she initially submitted receipts showing a payment of \$136, and a second payment of \$17 to DTE. However, Petitioner testified that on February 24, 2023, she made an additional \$5 payment to DTE towards her request for assistance. Petitioner testified that she submitted verification of the third payment to the Department in person on February 24, 2023, prior to the end of the 30-day eligibility period. Petitioner testified that she later also submitted a DTE statement showing that three payments were made to DTE in the amount of \$17, \$136, and \$5 prior to February 25, 2023. This statement was presented for review during the hearing. (Exhibit 1). Although the Department asserted that based on case notes reviewed, the Department did not receive the statement until after February 25, 2023, Petitioner credibly testified that she first submitted the receipt in person to the Department on February 24, 2023, and later, followed up with the statement from DTE verifying payments made. Petitioner presented sufficient evidence to establish that she made her required \$155.87 contribution towards the request for her SER assistance with heat and electric services, and that she provided the Department with verification of such payments prior to February 25, 2023.

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 did not act in accordance with Department policy when it denied Petitioner's January 27, 2023, SER application.


DECISION AND ORDER

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

THE DEPARTMENT 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 process Petitioner's January 27, 2023, SER application for assistance with heat and electric services in order to supplement Petitioner and/or her SER provider for any SER benefits that she was eligible to receive but did not from the application date, ongoing; and
2. Notify Petitioner in writing of its decision.

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

Tracy Felder
Wayne-Southwest-DHHS
2524 Clark Street
Detroit, MI 48209
MDHHS-Wayne-41-Hearings@michigan.gov

Interested Parties

BSC4
E Holzhausen
J McLaughlin
MOAHR

Via First Class Mail:

Petitioner

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