



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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██████████, MI ██████████

Date Mailed: May 23, 2023  
MOAHR Docket No.: 23-002182  
Agency No.: ██████████  
Petitioner: ██████████

**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 May 18, 2023 via teleconference. Petitioner appeared and represented himself. Pamela Northington, Eligibility Specialist, appeared on behalf of the Michigan Department of Health and Human Services (MDHHS or Department).

**ISSUE**

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

**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 April 4, 2023, Petitioner applied for SER for assistance with past due electricity and gas bills (Exhibit A, pp. 5-8). He provided a home address of ██████████ (Exhibit A, p. 5).
2. On April 4, 2023, MDHHS received information from DTE Energy which showed that Petitioner had past due electric and gas bills; however, the address listed on the bills was ██████████ (Exhibit A, p. 14).
3. On April 5, 2023, MDHHS issued a State Emergency Relief Decision Notice indicating that Petitioner's application was denied because the bills were not connected to his current address (Exhibit A, pp. 18-19).
4. On April 17, 2023, Petitioner filed a Request for Hearing to dispute the denial of his SER application (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 SER pursuant to MCL 400.10 and Mich Admin Code, R 400.7001-.7049.

In this case, MDHHS denied Petitioner's application for SER because it received information from DTE Energy that Petitioner's bill was connected to a different residential address than the address that he provided on his application.

SER assists applicants with safe, decent, affordable housing and other essential needs when an emergency arises. ERM 101 (March 2013), p. 1. Low-income households who meet all SER eligibility requirements may receive assistance to help them with household heat and electric costs in the event of an energy crisis. ERM 301 (December 2022), pp. 1-2. An energy crisis includes situations in which an individual or household has a past due account or shutoff notice on an energy bill for his or her household. *Id.* When the group's heat or electric service for their current residence is in past due status, in threat of shutoff or is already shutoff and must be restored, payment may be authorized to the enrolled provider. *Id.*, p. 4. The bill must be connected to the group's current address. *Id.*, p. 7. SER assistance may also be available to prevent shutoff of other utilities, including water, sewer or cooking gas. ERM 302 (December 2022), p. 1. The bill does not have to be in the group's name but it must be connected to the applicant's current address. *Id.* MDHHS is required to send a SER Verification Checklist to request verification and to notify the client of the due date for returning the verifications. ERM 103 (October 2022). The client must make a reasonable effort to obtain required verifications. *Id.* The specialist must assist if the applicant needs and requests help. *Id.* If neither the client nor the specialist can obtain the verifications despite a reasonable effort, MDHHS must use the best available information. *Id.* If no evidence is available, the specialist must use their best judgment. *Id.*

At the hearing, Petitioner testified that he provided MDHHS with a mailing address on the application and that his current address was [REDACTED], which was the address connected to the past due balances on his DTE Energy bill. Petitioner's testimony was credible and un rebutted. Given the circumstances in this case, MDHHS should have attempted to verify the discrepancy between Petitioner's statements and the information it gathered from a third-party source, pursuant to ERM 103. No evidence was presented that MDHHS attempted to verify this information with Petitioner prior to denying his application for SER.

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 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 Petitioner's April 4, 2023 application for SER services;
2. Redetermine Petitioner's eligibility for SER services from April 4, 2023 ongoing, requesting additional information from Petitioner as necessary;
3. Issue supplements to Petitioner or Petitioner's service providers for any payments that he was eligible to receive but did not from April 4, 2023 ongoing; and
4. Notify Petitioner of its decision in writing.

LJ/tm

  
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**Linda Jordan**  
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**  
Corlette Brown  
Wayne-District 31 (Grandmont)  
17455 Grand River  
Detroit, MI 48227  
**MDHHS-Wayne-31-Grandmont-  
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**Interested Parties**  
J. McLaughlin  
E. Holzhausen  
BSC4

**Via-First Class Mail :**

**Petitioner**  
[REDACTED]  
[REDACTED]  
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