



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: August 22, 2023
MOAHR Docket No.: 23-004143
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 August 17, 2023, via conference line. Petitioner was present and was unrepresented. The Department of Health and Human Services (Department) was represented by Corlette Brown, Hearing Facilitator, and Elizabeth Brown, Eligibility Specialist.

ISSUE

Did the Department properly process Petitioner's State Emergency Relief (SER) application?

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 March 27, 2023, Petitioner submitted an application for SER benefits, for assistance with her gas and non-heat electric (Exhibit A, pp. 5-15). Petitioner indicated that her DTE account number ended in 4621722.
2. On April 4, 2023, the Department sent Petitioner a State Emergency Relief Decision Notice, informing her that her SER application was approved (Exhibit A, pp. 16-17).
3. On July 19, 2023, Petitioner submitted a 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 submitted an application for SER benefits for assistance with her heat and non-heat electric utilities. Petitioner's application was subsequently approved. Petitioner later discovered the SER funds were applied to an incorrect DTE account. Petitioner listed the incorrect account number on her SER application. The funds were applied to a different individual's account, at a different address.

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. Clients may receive SER payments, up to the service cap. ERM 301, p. 1. Payments are applied to the cap of the client. ERM 301, p. 11. As a condition of eligibility, the energy bill must be connected to the group's current address. ERM 301, p. 7. When an overissuance is found, it is the responsibility of the Department to determine the amount and send communication to the provider to obtain a refund. ERM 401 (October 2022), p. 4. Correction of an issuance error may require a reissuance. ERM 401, p. 4. For example, an issuance error may be a payment made under the wrong case number. ERM 401, p. 4. To correct this, the local office must recover the incorrect issuance and re-process the original SER application in order to issue a new DHS-849 payment under the correct case number, if the group is eligible as described above. ERM 401, p. 4.

The Department is required to verify that SER funds for energy services is connected to the group's address. As the Department did not issue the SER payment to the correct DTE account, at the correct address, the Department did not properly process Petitioner's SER application. Per policy, the Department must reprocess the original SER application and the payments issued should not count toward Petitioner's SER energy-related services yearly cap.

DECISION AND ORDER

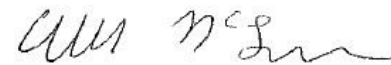
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department did not act in accordance with Department policy when it processed Petitioner's SER application.

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. Reinstate and reprocess Petitioner's March 27, 2023 SER application;
2. Remove any funds contributed toward Petitioner's energy service cap related to the March 27, 2023 application/April 4, 2023 approval;
3. If Petitioner is eligible for SER benefits, issue payments in accordance with Department policy; and
4. Notify Petitioner of its decision in writing.

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
Corlette Brown
Wayne-District 31 (Grandmont)
17455 Grand River
Detroit, MI 48227
**MDHHS-Wayne-31-Grandmont-
Hearings@Michigan.gov**

Interested Parties
J. McLaughlin
E. Holzhausen
BSC4

Via-First Class Mail :

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