



STATE OF MICHIGAN

GRETCHEN WHITMER
GOVERNOR

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
SUZANNE SONNEBORN
EXECUTIVE DIRECTOR

MARLON I. BROWN, DPA
ACTING DIRECTOR

[REDACTED], MI [REDACTED]

Date Mailed: September 22, 2023
MOAHR Docket No.: 23-004216
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 August 23, 2023, from Detroit, Michigan. Petitioner appeared for the hearing and represented herself. The Department of Health and Human Services (Department) was represented by Susan Derseweh, Hearing Facilitator.

ISSUE

Did the Department properly process Petitioner's application for State Emergency Relief (SER) assistance with home repairs?

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 assistance with home repairs, specifically plumbing services. On the application, Petitioner reported that she was employed with Mercy Plus earning [REDACTED] per hour and working an average of 12 hours per week.
2. On or around June 14, 2023, the Department sent Petitioner a SER Verification Checklist instructing her to submit verification of the amount needed for SER nonenergy home repairs and a statement from a licensed provider verifying that the home will be restored to livable conditions. The Department also instructed

Petitioner to submit an estimate for the repair costs. The verifications were due by June 21, 2023.

3. On or around June 15, 2023, Petitioner submitted a first estimate of repair as well as check stubs verifying her earned income. The first estimate indicated that the total repair cost was \$1,520.
4. On or around June 22, 2023, Petitioner submitted a second repair estimate showing that the total repair costs were \$1,670 and that the repairs were required to make the home livable.
5. On or around June 27, 2023, the Department sent Petitioner a State Emergency Relief Decision Notice advising her that her request with nonenergy home repairs was being denied because she failed to provide proof of information requested by the Department.
6. On or around July 3, 2023, the Department discovered that the application was denied in error. The Department reprocessed the application and issued a State Emergency Relief Decision Notice on July 3, 2023, advising Petitioner that the Department approved an \$83 payment towards the total \$1,670 request for plumbing repair. The SER Decision Notice further informed Petitioner that she must make a \$1,587 copayment/contribution towards the total amount requested and provide proof that the payment has been made prior to July 21, 2023, or the Department would not make its approved \$83 payment. (Exhibit A, pp. 14-16)
7. Petitioner did not submit verification that the copayment of \$1,587 was made by the July 21, 2023, due date and thus, the Department did not make its approved \$83 payment towards Petitioner's request for SER and the application was denied.
8. On or around July 24, 2023, Petitioner requested a hearing disputing the Department's actions with respect to denial of her SER application.

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 her [REDACTED] 2023, SER application for SER assistance with plumbing repairs to her home. SER

assists with home repairs to correct unsafe conditions and restore essential services. Home ownership services, energy related home repairs, and non-energy related home repairs are covered SER services. Non-energy related repairs include all home repairs for client owned housing except furnace repair or replacement. Plumbing repairs are considered non-energy related. Authorization for payment is only made if the repair is essential to remove a direct threat to health or safety or is required by law or a mobile home park regulation. The repairs must restore the home to a safe, livable condition. SER does not pay for improvements or nonessential repairs. The lifetime maximum for non—energy – related home repairs is \$1,500 per SER group. ERM 304 (October 2021), p. 1-3. At least one estimate of the repair cost must be obtained but more may be requested, depending on the circumstance. The Department will approve the most cost-effective repair and payment will only be issued if the contractor holds a valid license issued by the Bureau of Construction Codes through the Department of Licensing and Regulatory Affairs. ERM 304, p. 5.

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 after initially denying Petitioner's SER application in error, the Department reprocessed the application on July 3, 2023, and determined that Petitioner was approved for \$83 towards her request for SER assistance with home repairs in the amount of \$1,670. The Department representative testified that Petitioner was only eligible for \$83 towards her request for assistance because SER payments had previously been made on Petitioner's behalf in the amount of \$1,417, and this amount had been applied to the \$1,500 lifetime maximum for non-energy related home repairs. The Department representative testified that because \$1,417 of the \$1,500 lifetime maximum had already been used by Petitioner, she was required to make a copayment and contribution for the remainder of the cost of the repair request in order to resolve the emergency. The Department representative testified that because Petitioner did not submit verification that the remaining \$1,587 copayment/contribution was made by the July 21, 2023, due date, the Department did not make its approved \$83 payment towards Petitioner's request for plumbing services in the SER application was denied.

Petitioner did not dispute that she had previously received \$1,417 from the Department for SER services for non-energy related home repairs. Petitioner also did not dispute that she did not submit verification that the \$1,587 copayment was made prior to July 21, 2023. Petitioner testified that she was unable to afford the \$1,587 copayment/contribution and asserted that she was requesting that the Department use emergency services funds to process her SER request. Upon review of the Case Comments submitted by the Department shows that the Department considered whether Petitioner would be eligible for emergency services funds and concluded that Petitioner would not be eligible, as plumbing is not listed on the approved emergency funds list.

Emergency Services (ES) funds are allocated to each local office to provide assistance when SER will not cover the requested service or the SER payment will not resolve the emergency. ERM 209 (October 2022), p. 1. An SER application must be submitted and eligibility must be determined prior to any service or cost being paid using ES funds. SER should be authorized whenever the household qualifies for a benefit through the SER program. Since ES is a funding source, this is not a program that the client can apply for directly. The issuance of ES funding is made in conjunction with the submission of an SER application, at the local office's discretion. ERM 209, pp. 1-3. ES funds may be used to assist with emergency home repairs, among other covered services. ES funds for emergency home repairs is used to prevent removal of a family from their home for health and safety reasons. A quote must be obtained from a licensed provider, home repairs are only allowed for homeowners or individuals who are purchasing their home, and housing must be affordable. ERM 209, pp. 3-5.


There was no evidence that Petitioner or her family were threatened with removal from their home due to health and safety reasons. Additionally, the policy does not specifically indicate that ES funds can be used for the plumbing repairs requested by Petitioner. Therefore, because the issuance of ES funds is made at the local office's discretion, the Department acted in accordance with policy when it denied the request for use of ES funds.

Upon review, because the Department did not receive verification that Petitioner made her required copayment/contribution of \$1,587 by July 21, 2023, the Department acted in accordance with Department policy when it did not make its approved \$83 payment towards her request for heat services and subsequently denied the SER application.

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 Derseweh
Genesee County DHHS Clio Rd Dist.
4809 Clio Road
Flint, MI 48504
MDHHS-Genesee-Clio-Hearings@michigan.gov

Interested Parties

BSC2
E Holzhausen
J McLaughlin
MOAHR

Via First Class Mail:

Petitioner

[REDACTED]
[REDACTED] MI [REDACTED]