



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

Date Mailed: September 21, 2023
MOAHR Docket No.: 23-004383
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 Kimberly Reed, Lead Worker.

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 services.
2. On or around [REDACTED] 2023, the Department sent Petitioner a State Emergency Relief Decision Notice, advising her that the Department approved \$850 towards her \$1,058.54 request for assistance with heat services. The SER Decision Notice further informs Petitioner that she must make a \$208.54 contribution copayment towards her request for assistance for heat and provide proof that his payment has been made prior to May 27, 2023, or the Department would not make its approved payment. (Exhibit A, pp.7-10)

3. On or around May 4, 2023, Petitioner made her \$208.54 payment to DTE energy. (Exhibit 1)
4. Petitioner asserted that she submitted proof of her payment to the Department via email on May 4, 2023, and May 5, 2023, and again on or around June 13, 2023, via fax because the Department indicated that it had not received her emails.
5. The Department asserted that it did not receive proof that Petitioner made her \$208.54 copayment until June 13, 2023, and that was after the May 27, 2023, deadline identified on the SER Decision Notice.
6. The Department concluded that because Petitioner did not timely submit proof that she made her required contribution, it would not make its approved payment of \$850 towards her request for heat services.
7. On or around July 17, 2023, Petitioner requested a hearing disputing the Department's actions with respect to her SER case.

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 [REDACTED] 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 SER application, the Department sent Petitioner a State Emergency Relief Decision Notice, advising her that the Department approved \$850 towards her \$1,058.54 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 \$208.54 towards her request for assistance with heat services, and submit verification that payment was made prior to May 27, 2023. The Department representative testified that although Petitioner made the required contribution payment on May 4, 2023, because the Department did not receive verification that the payment was made until June 13, 2023, the Department did not make its approved \$850 payment towards her request for heat services and the SER application was denied.

Petitioner testified that she made her required \$208.54 contribution payment to DTE on May 4, 2023, and submitted proof of the payment to the Department's email box that same day. During the hearing, Petitioner reviewed the email address to which the proof was sent and the Department confirmed that the email address was correct. Petitioner testified that she called the Department on May 5, 2023, to confirm that the proof of payment was received. She testified that she confirmed the email address with the Department again and sent it in to the Department twice. Petitioner testified that she was later told the emails were not received and she had her son fax a second payment receipt to the Department, which the Department indicated was not received until June 13, 2023. The Department asserted that it did not receive any of the emails from Petitioner. The Department indicated that it could have verified that Petitioner had made her required contribution payment through ORA but it was not required and must be done prior to the end of the 30 day application eligibility period. Upon review of the evidence, including Petitioner's credible testimony, Petitioner presented sufficient evidence to establish that she made her required \$208.54 contribution towards the request for her SER assistance with heat services, and that she provided the Department with verification of such payment prior to May 27, 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 [REDACTED] 2023, SER application.

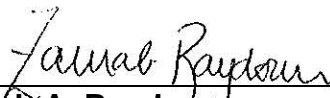
DECISION AND ORDER

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 [REDACTED] 2023, SER application for assistance with heat services in order to supplement Petitioner and/or her SER provider for the \$850 in 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
Kimberly Reed
Montcalm County DHHS
609 North State Street
Stanton, MI 48888
MDHHS-Montcalm-Hearings@michigan.gov

Interested Parties

BSC3
E Holzhausen
J McLaughlin
MOAHR

Via First Class Mail:

Petitioner
[REDACTED]
[REDACTED]
[REDACTED] MI [REDACTED]