



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

MARLON I. BROWN, DPA
ACTING DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: October 31, 2023
MOAHR Docket No.: 23-006018
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on October 26, 2023, from Lansing, Michigan. Petitioner represented herself. The Department was represented by Misty Maschino.

ISSUE

Did the Department of Health and Human Services (Department) properly deny Petitioner's requests 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 July [REDACTED] 2023, the Department notified Petitioner that she was eligible for State Emergency Relief (SER) assistance with a \$[REDACTED] co-payment with instructions that no DHS payments will be made until you provide proof that you made your payment. Exhibit A, pp 8-9.
2. On August [REDACTED] 2023, the Department notified Petitioner that she was eligible for State Emergency Relief (SER) assistance with a \$[REDACTED] co-payment with instructions that no DHS payments will be made until you provide proof that you made your payment. Exhibit A, pp 13-14.
3. Petitioner did not provide the Department with verification that she made her co-payment.
4. Petitioner resolved her housing emergency without State Emergency Relief (SER) assistance.

5. On August █ 2023, the Department notified Petitioner that she was not eligible for State Emergency Relief (SER) assistance. Exhibit A, p 15.
6. On September █ 2023, the Department received Petitioner's request for a hearing. Exhibit A, pp 4-7.

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 *et seq.* The Department administers the SER program pursuant to MCL 400.10 of the Social Welfare Act, MCL 400.1 *et seq.*, and Mich Admin Code, R 400.7000 through R 400.7049.

Applicants for SER assistance must use their available income and cash assets that will help resolve their emergency. The Department will not authorize a SER payment unless it will resolve the emergency. Department of Health and Human Services Emergency Relief Manual (ERM) 208 (October 1, 2023), p 1. Applicants for SER assistance must take action within their ability to help themselves. Department of Health and Human Services Emergency Relief Manual (ERM) 101 (March 1, 2013), p 1.

Petitioner applied for SER assistance and on July █ 2023, the Department notified her that she was eligible for SER assistance with a \$█ co-payment. The Department did not grant the SER assistance because no verification that Petitioner had made her co-payment was submitted to the Department.

Petitioner re-applied for SER assistance and on August █ 2023, the Department notified Petitioner that she was eligible for SER assistance with a \$█ co-payment. Again, the Department did not grant the SER assistance because no verification that Petitioner had made her co-payment had been submitted.

Petitioner re-applied for SER assistance. Petitioner had requested assistance with the replacement of the roof of her home. When the Department discovered that the roof of Petitioner's home had been replaced without Department assistance, the Department notified Petitioner that her application had been denied because the emergency had already been resolved.

Petitioner argued that she was not informed of what was required of her to receive SER assistance.

However, the Department sent Petitioner written instructions on July █ 2023, and August █ 2023, that she was required to provide verification that her required co-payment had been made before any SER assistance could be issued by the Department. Without

Petitioner making her co-payment, the issuance of SER assistance would not resolve Petitioner's emergency.

Later Petitioner was able to resolve her emergency without the assistance of the Department, and she is no longer eligible for SER assistance.

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 acted in accordance with Department policy when it refused to grant the State Emergency Relief (SER) assistance requested by Petitioner.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/dm



Kevin Scully
Administrative Law Judge
Michigan Office of Administrative Hearings
and Rules (MOAHR)

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
Karen Koedam
Barry County DHHS
**MDHHS-Barry-
Hearings@michigan.gov**

McLaughlinJ

HalzhausenE

BSC3HearingDecisions

MOAHR

Via-First Class Mail :

Petitioner

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