



GRETCHEN WHITMER
GOVERNOR

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

MARLON I. BROWN, DPA
ACTING DIRECTOR

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Date Mailed: December 1, 2023
MOAHR Docket No.: 23-006234
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 November 29, 2023, via conference line. Petitioner was present and was unrepresented. The Department of Health and Human Services (Department) was represented by Jaquace Harwell, Eligibility Specialist.

ISSUE

Did the Department properly deny 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 ██████████, 2023, Petitioner submitted an application for SER benefits for assistance with his water utility and past due property taxes.
2. On September 5, 2023, the Department sent Petitioner a State Emergency Relief Decision Notice informing him that his application was denied (Exhibit A, pp. 6-8).
3. On September 29, 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).

SER

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, in part, to request assistance with past due property taxes. The Department testified at the hearing that the application was denied, as none of the SER group members were the owner of the household.

SER helps to prevent loss of a home if no other resources are available and the home will be available to provide safe shelter for the SER group in the foreseeable future. ERM 304 (October 2021), p. 1. Services include property taxes and fees. ERM 404, p. 1. To be eligible, all of the following conditions must be met: (i) an SER group member is an owner or purchaser of the home or holds a life estate on the home with the responsibility for home repairs; (ii) the home is the SER group's permanent, usual residence; (iii) the home is not in jeopardy of loss. (iv) the ongoing cost of maintaining the home is affordable to the SER group; (v) the SER group did not cause the emergency; (vi) the home is in livable condition and payment will guarantee safe, sanitary shelter both now and in the future; (vii) The total amount of tax arrearage for all years does not exceed \$2,000; and (viii) the home is not listed for sale. ERM 404, pp. 4-5.

At the hearing, the Department initially testified that none of the household members were the owner of the residence. Petitioner testified that he was the owner and had paid the property taxes in the past. At the hearing, the Department reviewed the city tax records and confirmed that Petitioner was listed as the owner. Therefore, the Department did not act in accordance with policy when it denied Petitioner's application for SER benefits for assistance with past due property taxes.

The Department testified that Petitioner also requested assistance with his water utility in his SER application. The Department testified that Petitioner exceeded the income limit for his group size.

SER helps to restore or prevent shut off of utility services, including water. ERM 302 (December 2022), p. 1. A group is eligible for non-energy SER services with respect to income if the total combined monthly net income that is received or expected to be

received by all group members in the 30-day countable income period does not exceed the standard. ERM 208 (December 2022), p. 1. A single SER group consists of persons who occupy the same home. ERM 201 (October 2022), p. 1.

The Department testified it considered Petitioner and Petitioner's brother as group members. However, Petitioner testified at the hearing that a third individual lived in the home, who also had income. Therefore, Petitioner's SER group was not properly determined. As it follows, the Department failed to establish that it properly denied Petitioner's SER application for utility services.

DECISION AND ORDER

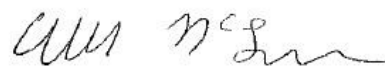
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department did not act in accordance with Department policy when it denied Petitioner's SER application.

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 Petitioner's [REDACTED] 2023 SER application;
2. If Petitioner is eligible for benefits, issue payments in accordance with Department policy; and
3. 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 :

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