



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
DIRECTOR

[REDACTED]
[REDACTED], MI [REDACTED]

Date Mailed: March 15, 2024
MOAHR Docket No.: 23-009288
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Caralyce M. Lassner

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 hearing was held by telephone on March 7, 2024. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Lori Turner, Eligibility Specialist.

ISSUE

Did the Department properly deny Petitioner's application for cash assistance for State Disability Assistance (SDA) benefits?

Did the Department fail to process Petitioner's request for State Emergency Relief (SER) assistance for moving and storage expenses?

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 [REDACTED] 2023, Petitioner submitted an application for cash assistance and SER. (Exhibit A, pp. 5 – 11).
2. Petitioner receives Supplemental Security Income (SSI) through the Social Security Administration (SSA). (Exhibit A, pp. 21 – 23).
3. Petitioner lives alone, does not care for minor children, and is alleged to have a disability. Therefore, Petitioner's application for cash assistance was considered under the SDA program.

4. On October 19, 2023, the Department issued a Notice of Case Action (NOCA) to Petitioner denying her application for SDA due to Petitioner's countable income exceeding the program limits. (Exhibit A, pp. 13 – 15).
5. On November 13, 2023, the Department issued an Energy Services Notice to Petitioner advising that payments had been made to DTE Energy on Petitioner's behalf. (Exhibit A, p. 12).
6. The Department did not issue any other notices related to Petitioner's [REDACTED], 2023 application.
7. On December 5, 2023, the Department received Petitioner's request for hearing regarding the Department's denial of Petitioner's cash assistance and/or moving and storage expenses. (Exhibit A, p. 3).

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).

Petitioner requested a hearing regarding the Department's denial of her SDA and SER application for moving expenses. (Exhibit A, p. 3). Petitioner submitted an application for cash assistance (SDA) and SER on [REDACTED], 2023. (Exhibit A, pp. 5 – 11). The Department denied Petitioner's request for SDA on October 19, 2023, stating that Petitioner's income exceeds SDA program limits. (Exhibit A, pp. 3, 13 – 15). The Department only approved Petitioner's SER request for assistance with electric and gas when it issued an Energy Services Notice to Petitioner on November 13, 2023. (Exhibit A, p. 12).

SDA

The State Disability Assistance (SDA) program is established by the Social Welfare Act, MCL 400.1-.119b. The Department of Health and Human Services (formerly known as the Department of Human Services) administers the SDA program pursuant to 42 CFR 435, MCL 400.10 and Mich Admin Code, R 400.3151-.3180.

In her [REDACTED] 2023, Petitioner requested cash assistance. Petitioner lived alone, denied being the caretaker of minor children, and did not identify herself as a refugee or asylee. (Exhibit A, pp. 6-8.) Under these circumstances, the only cash assistance program potentially available to Petitioner was the SDA program. BEM 214 (April 2019), p. 1; BEM 215 (July 2013), p. 1; BEM 210 (July 2021), p. 1.

To receive cash assistance under the SDA program, the certified group must be in financial need. BEM 518 (July 2023), p. 1. To establish financial need for SDA, SDA

applicants must pass the qualifying deficit test. BEM 518, p. 1. In the qualifying deficit test, the SDA group's budgetable income is subtracted from the certified group's payment standard for the application month. BEM 518, p. 1. The resulting sum must be at least \$10 to qualify to receive a cash benefit. If the resulting sum is less than \$10, including a negative amount, no financial need exists and the group is not eligible to receive cash assistance benefits. BEM 518, p. 4.

In this case, Petitioner testified that she receives SSI in the amount of \$ [REDACTED] per month. Petitioner is not eligible for any deductions. See BEM 518, p. 5. Therefore, Petitioner's monthly budgetable income was \$ [REDACTED]. The SDA payment standard applicable to Petitioner is \$200.00, as she is an individual living alone in an independent living arrangement. RFT 225 (December 2013), p. 1. When \$ [REDACTED] is subtracted from the SDA payment standard of \$200, the resulting sum is a negative amount. Therefore, Petitioner has failed to establish financial need, and the Department properly denied Petitioner's SDA application due to excess income.

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.

Petitioner also disputed the denial of SER assistance. The SER program assists applicants with safe, decent, affordable housing and other essential needs when an emergency situation arises. ERM 101 (March 2023), p. 1. SER largely assists individuals with overall housing issues, avoiding interruption of utilities due to shut off notices, non-energy home repairs, other housing-related emergencies, and burial expenses. See ERM 100 (October 2023), p. 1 – 3; ERM 209 (October 2023), pp. 1 – 5. However, SER is a unique program in that exceptions for unique and unusual circumstances may be made on a case by case basis. ERM 104 (October 2022), p. 1. Such circumstances may include instances where the household has used available money for employment-related expenses or some other type of crisis, or the lives of the household members may be in jeopardy if the emergency goes unresolved. ERM 104, p. 1.

Once an application for SER is completed, the Department must process the application within ten (10) business days and document any delay in processing the application. ERM 103 (October 2023), pp. 5 – 6. When processing an SER application, the Department must help applicants complete forms, answer questions, and obtain verifications. ERM 102 (October 2020), p. 1. The Department must also conduct an interview in limited circumstances, such as when there are discrepancies that must be resolved in order to process the application. ERM 103, p. 5.

On November 13, 2023, the Department notified Petitioner that her request for SER assistance with gas and electric was approved. (Exhibit A, p. 12). During the hearing, Petitioner explained that she was seeking assistance with moving and storage

expenses, not just electric and gas. She testified that in order for the City of [REDACTED] to provide the emergency home repairs she has been approved to receive, she is required to move and store all of her personal belongings before the work can begin and for the duration of the repairs. She further testified that repair of her home is essential not only for her ongoing health and safety but that her doctor will not perform necessary medical procedures on her until she has a safe and healthy home environment in which she can recover.

Although Petitioner did not check the box on page 3 of the application for “moving expenses,” she expressly stated in the section of the application for “Anything Else?” that she needed assistance with moving and storage. (Exhibit A, pp 7, 10) Thus, Petitioner requested moving and storage assistance to address her housing crisis. Given the policy that the Department must assist clients with their SER applications and that SER is intended to provide assistance for households that have an emergency which threatens health or safety, the Department erred in failing to process Petitioner’s request for SER assistance with moving and storage expenses.

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 found that Petitioner had excess income for SDA eligibility but did not act in accordance with Department policy when it failed to consider Petitioner’s SER eligibility for moving and storage assistance.

DECISION AND ORDER

Accordingly, the Department’s decision is **AFFIRMED IN PART** with respect to the Department’s denial of SDA and **REVERSED IN PART** with respect to SER.

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. Reprocess Petitioner’s [REDACTED] 2023 application for SER to determine eligibility for moving and storage expense assistance;
2. If Petitioner is eligible for SER assistance, pay the provider of approved services for any SER benefits Petitioner is eligible to receive; and
3. Notify Petitioner in writing of its decision.

CML/ml

Caralyce M. Lassner
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
Tara Roland 82-17
Wayne-Greenfield/Joy-DHHS
8655 Greenfield
Detroit, MI 48228
MDHHS-Wayne-17-hearings@michigan.gov

Interested Parties

L Karadsheh
J McLaughlin
E Holzhausen

Via First Class Mail:

Petitioner
[REDACTED]
MI