



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: February 13, 2024
MOAHR Docket No.: 23-009453
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 February 7, 2024, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Rachel Meade Hearing Facilitator. Department Exhibit 1, pp. 1-62 was received and admitted.

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 applied for SER seeking assistance with a hot water heater.
2. On September 25, 2023, a Verification Checklist was sent to Petitioner requesting her to provide two written estimates and a statement that the repair will make her residence in livable condition.
3. On October 2, 2023, Petitioner submitted an estimate and statement regarding livable condition.

4. On October 3, 2023, Petitioner submitted an additional estimate and statement regarding livable condition.
5. On [REDACTED] 2023, Petitioner applied for SER seeking assistance with a hot water heater.
6. On October 5, 2023, a State Emergency Relief Decision Notice was sent to Petitioner informing Petitioner that her SER request was approved with a \$1,062.69 co-payment due by October 24, 2023.
7. On October 12, 2023, Petitioner submitted two invoices from [REDACTED] showing that she paid \$62.69 and had a remaining balance of \$437.31.
8. On November 2, 2023, notice was sent to Petitioner that her SER was denied because proof of co-payment was not received.
9. On December 18, 2023, Petitioner requested a hearing disputing the denial of SER.
10. Petitioner stated at the hearing that the only issue in dispute was the SER for her hot water heater.

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.

DEPARTMENT POLICY

State Emergency Relief (SER) prevents serious harm to individuals and families. SER assists applicants with safe, decent, affordable housing and other essential needs when an emergency situation arises. Requirements Residence in the state of Michigan is not required. SER serves all persons physically present in Michigan. In addition SER applicants must:

- Complete the application process.
- Meet financial and non-financial requirements.
- Have an emergency which threatens health or safety and can be resolved through issuance of SER.

- Take action within their ability to help themselves. For example, obtain potential resources and/or apply for assistance.
- Not have caused the emergency; see ERM 204, Client-Caused Emergencies.
- Cooperate in providing information about income, assets, living arrangements, and other persons living in the home. Deny SER services for applicants who fail to meet any of the above requirements. ERM 101

The client is notified on the DHS-1419, Decision Notice, of their copayment amount and the deadline to return verification that they have paid their copayment. In Bridges, the worker must pseudoauthorize the application in order to establish the deadline date and to issue the DHS-1419. The deadline date is always the last day of the 30-day eligibility period regardless of when the client requests the service. The client must provide verification of their payment by the last day of the 30-day eligibility period. ERM 208


In this case, Petitioner stated at hearing that the only issue in dispute was the SER for a hot water heater. Petitioner applied for SER for a hot water heater on [REDACTED] and [REDACTED] 2023. On October 5, 2023, a State Emergency Relief Decision Notice was sent to Petitioner informing her that her application was approved with a \$1,062.69 copayment. This was based on the estimate from [REDACTED] for a hot water heater replacement totaling \$1,500. Petitioner chose to have the repair work completed by [REDACTED] for a hot water heater repair totaling \$500. Petitioner paid [REDACTED] \$62.69 and was expecting the Department to pay \$437.31 because that was the amount approved in the SER Decision Notice. Petitioner misunderstood how the SER processing worked. The SER Decision Notice was based on the [REDACTED] estimate. If Petitioner was going with a different company, [REDACTED], then a new SER Decision Notice with a new copayment would need to be calculated. Petitioner did not submit proof of co-payment in the amount of \$1,062.69 prior to the deadline, therefore the denial was proper and correct and consistent with Department policy. ERM 208

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 denied Petitioner's SER application because proof of copayment was not received.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.

AM/cc



Aaron McClintic
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 :

Interested Parties

MDHHS-Jackson-Hearings
BSC4-HearingDecisions
E. Holzhausen
J. McLaughlin
MOAHR

Via-First Class Mail :

Petitioner

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