



GRETCHEN WHITMER  
GOVERNOR

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

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ACTING DIRECTOR

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Date Mailed: February 13, 2024  
MOAHR Docket No.: 24-000016  
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 his Authorized Representative ██████████ who appeared and testified. The Department of Health and Human Services (Department) was represented by Andrea Edwards Hearing Facilitator. Department Exhibit 1, pp. 1-32 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 furnace replacement.
2. On December 7, 2023, Petitioner had his furnaced replaced.
3. On December 8, 2023, a State Emergency Relief Decision Notice was sent to Petitioner informing him that his application was denied because the emergency was resolved.
4. On January 2, 2024, Petitioner requested a hearing disputing the denial of SER.

## **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

In this case, Petitioner applied for SER for furnace replacement on [REDACTED] 2023, which was a Friday. On December 7, 2023, Petitioner's furnace was replaced, and his mobile home park paid the furnace man with the understanding that Petitioner would have to reimburse the park. On December 8, 2023, the Department denied the SER application because the emergency was resolved. Petitioner had a working furnace on December 8, 2023, and he no longer faced the emergency of having no heat which threatened his health and safety. Therefore, the denial of SER because the emergency was resolved was proper and correct. ERM 101 Petitioner's Authorized Representative argued that the emergency was not resolved because Petitioner would still be required to pay for the furnace indirectly and he does not have the money. Since the replacement was complete and Petitioner no longer faced a threat to his health and safety there was no emergency. Having a bill that is outstanding is not an emergency that threatens someone's health and safety.

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 the emergency was resolved.

**DECISION AND ORDER**

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

AM/cc



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**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-STCLAIR-HEARINGS  
BSC2-HearingDecisions  
E. Holzhausen  
J. McLaughlin  
MOAHR

**Via-First Class Mail :**

**Petitioner**

[REDACTED]  
[REDACTED]  
[REDACTED]

**Authorized Hearing Rep.**

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