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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]
MI [REDACTED]

Date Mailed: March 19, 2024
MOAHR Docket No.: 24-000573
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 13, 2024. Petitioner appeared and represented himself. The Department of Health and Human Services (Department) was represented by Princess Ogundipe, Assistance Payments Supervisor.

ISSUE

Did the Department properly process Petitioner's application 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 [REDACTED] 2024, after business hours, Petitioner applied for SER assistance for payment of his water/sewer bill in the amount of \$1,527.48. (Exhibit A, pp. 17 – 18).
2. On January 16, 2024, the Department processed Petitioner's application and determined Petitioner's outstanding water and sewer bill was \$1,162.80. (Exhibit A, p. 25). The Department issued a State Emergency Relief Decision Notice (SER Decision), approving Petitioner for SER assistance in the amount of \$350 with a copay of \$812.80 to be paid by Petitioner. (Exhibit A, pp. 27 – 28).
3. On January 22, 2024, the Department received Petitioner's request for hearing disputing the amount of SER assistance, specifically as to the total amount

necessary to avoid shut off of his water and sewer and the amount of assistance the Department would provide. (Exhibit A, pp. 11 – 12).

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.

Petitioner was approved for SER assistance with his water/sewer bill, subject to a copayment, and Petitioner disputed the total amount necessary to avoid shut off of his water and sewer and the amount the Department would pay on his behalf. (Exhibit A, pp. 4, 27 – 28). The Department approved Petitioner for \$350 in assistance from the Department with a copayment of \$812.80 by Petitioner, based on a past due balance of \$1,162.80, exclusive of penalties and interest. (Exhibit A, pp. 25, 27 – 28).

The SER program provides assistance to applicants to secure or maintain safe, decent, affordable housing and other essential needs when an emergency situation arises. ERM 101 (March 2023), p. 1. SER 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.

SER helps restore or prevent shut off of a utility service when the service is necessary to prevent serious harm to SER group members. ERM 302 (December 2022), p. 1. For purposes of SER, water and sewer bills are utility services covered by ERM 302 and any payments made on Petitioner's behalf must restore or continue service for at least 30 days; assistance with current charges is not permissible. ERM 302, p. 1. The maximum assistance the Department may provide under SER for water and sewer is \$350 per fiscal year. ERM 302, p. 1. However, the Department may not authorize any amount of assistance for water and sewer if that assistance will not resolve the emergency and maintain or restore the service for at least 30 days. ERM 302, p. 3. Payments for current charges are not allowed. ERM 302, p. 1.

If the Department does not cover the full cost of the service, the client will have a copayment identified on the SER Decision, which will inform the SER group of the amount the SER group must pay and the due date for returning proof of payment to the Department. ERM 208 (October 2023), p. 5. If the SER group has a copayment, shortfall, or contribution, the Department cannot issue payment until the client provides

proof that payment has been made or will be made by another agency. ERM 208, pp. 3, 5; ERM 302, p. 3. Department policy states that verification of payment must be received in the Department office within the 30-day eligibility period or no SER payment will be made. ERM 208, p 5.

In this case, the Department notified Petitioner that it would pay his water service provider \$350 after he paid the provider his \$812.80 copayment. The Department determined it would provide assistance to Petitioner in the amount of \$350. This is the maximum permitted by policy for water and sewer utilities. Therefore, the Department acted in accordance with policy when it required that Petitioner pay for any amounts due his utility provider in excess of \$350 before the Department paid the provider \$350.

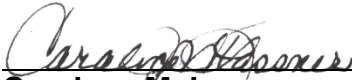
Petitioner also disputed the Department's calculation of the amount needed to avoid shut off of Petitioner's water and sewer. To verify the shut off, the Department may rely on information from the utility provider's secure website. ERM 302, p. 4. Here, the Department presented documentation from the utility provider showing that of the \$1,527.48 outstanding utility bill owed by Petitioner, \$248.41 was for the current month, plus an additional \$116.27 in current penalties and interest. (Exhibit A, p. 25.) Therefore, the overdue amount was \$1,162.80, the difference between the total outstanding amount due (\$1,527.48) and the current amounts due (the \$248.41 current balance and \$116.27 in interest and penalties). Because the Department may not consider current charges in processing the SER application for assistance with utilities, the Department acted in accordance with the Department policy when it determined that the total amount overdue was \$1,162.80 and limited its decision to this amount. Furthermore, it is noted that, regardless of the overall past due amounts, Petitioner would be responsible for a copayment of anything over the \$350 maximum assistance the Department was limited in providing under policy.

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 processed Petitioner's SER application.

DECISION AND ORDER

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

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
Chelsea McCune
Macomb County DHHS Warren Dist.
13041 E 10 Mile
Warren, MI 48089
**Department-Macomb-20-
Hearings@michigan.gov**

Interested Parties
BSC4
J McLaughlin
E Holzhausen

Via First Class Mail:

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