



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], MI [REDACTED]

Date Mailed: March 1, 2024  
MOAHR Docket No.: 24-000939  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Danielle R. Harkness**

### **HEARING DECISION**

On January 23, 2024, Petitioner, [REDACTED] [REDACTED] requested a hearing to dispute the Department's decision to deny her request for State Emergency Relief (SER). As a result, a hearing was scheduled to be held on February 29, 2024, pursuant to MCL 400.9 and Mich Admin Code, R 792.11002. Petitioner appeared at the hearing and represented herself. The Department of Health and Human Services (Department) was represented by Lianne Scupholm, Hearings Facilitator.

An 18-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

### **ISSUE**

Did the Department properly deny Petitioner's request for SER for home repairs for replacement of a water heater?

### **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] [REDACTED] 2023, Petitioner applied for SER from the Department for home repair assistance for replacement of her water heater.
2. On November 11, 2023, a SER Verification Checklist was mailed to Petitioner requesting proof of the amount of the repair and proof that her home was in a livable condition by November 20, 2023.
3. On November 15, 2023, Petitioner submitted a repair bill showing that the work had been completed.

4. On November 20, 2023, the Department mailed notice to Petitioner to notify her that her request for SER was denied.
5. On January 23, 2024, Petitioner requested a hearing to dispute the Department's decision.

### **CONCLUSIONS OF LAW**

Department policies are contained in the Department of Health and Human Services 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 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.

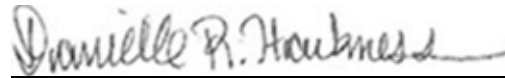
SER is intended to help address essential needs in emergency situations. ERM 101 (March 1, 2013), p. 1. To be eligible to receive SER, an emergency must exist. ERM 101, p. 1. In this case, Petitioner had an emergency because she was without water for over 10 days and water was leaking in her basement as her water heater needed to be repaired. However, Petitioner no longer has an emergency because she resolved her water heater problem by hiring a plumber herself. Since Petitioner no longer has an emergency, Petitioner is ineligible for SER.

Petitioner asserted that she waited over 10 days to receive a response from the Department to her SER application. The SER standard of promptness is 10 business days, beginning with the date the signed SER application is received in the local office. ERM 103 (October 1, 2023), pp. 5-6. Here, Petitioner's application was submitted on Saturday, [REDACTED] 2023, and was received by the Department on the next business day, Monday, [REDACTED] 2023. The Department processed Petitioner's application and mailed a Verification Checklist on November 11, 2023. Therefore, the Department acted within the standard of promptness pursuant to Department policy.

**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's decision should be upheld.

IT IS ORDERED, the Department's decision is **AFFIRMED**.



**Danielle R. Harkness**  
Administrative Law Judge

DH/nr

**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  
MDHHS-Calhoun-  
Hearings@michigan.gov**

**Interested Parties**  
Calhoun County DHHS  
BSC3  
J. McLaughlin  
E. Holzhausen  
MOAHR

**Via-First Class Mail :**

**Petitioner**  
[Redacted]  
[Redacted], MI [Redacted]