



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]
[REDACTED], MI [REDACTED]

Date Mailed: March 18, 2024
MOAHR Docket No.: 24-001470
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Danielle R. Harkness

HEARING DECISION

On January 26, 2024, Petitioner, [REDACTED] [REDACTED] requested a hearing to dispute a January 26, 2024, State Emergency Relief (SER) decision notice. As a result, a hearing was scheduled to be held on March 13, 2024, pursuant to MCL 400.9, 7 CFR 273.15, 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 Kael Meyer, Assistance Payments Supervisor. Administrative Law Judge Marya Nelson-Davis was present as an observer of the hearing.

A 33-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

ISSUE

Whether the Department properly determined Petitioner's copayment for SER for non-heat electricity?

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] 2024, Petitioner applied for SER assistance for non-heat electricity and heat – deliverable fuel.
2. Petitioner did not sign the [REDACTED] [REDACTED] 2024, application, so a copy of the signature page and a return envelope was mailed to Petitioner for a signature.
3. On January 26, 2024, Petitioner submitted the signature page.

4. The Department found Petitioner eligible for \$123.83 with a copayment amount of \$189.62 in SER for non-heat electricity and \$832.03 in SER for heat – deliverable fuel.
5. On January 26, 2024, the Department mailed a Notice of Case Action to Petitioner to notify her that she was approved for SER and that her copayment amount for non-heat electricity is \$189.62, and she was approved for SER for heat-deliverable fuel in the amount of \$832.03 with no co-payment.
6. On January 26, 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 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 pursuant to MCL 400.10 and Mich Admin Code, R 400.7001-.7049.

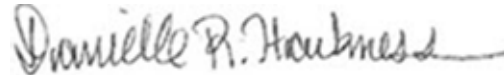
In this case, Petitioner is disputing the Department's decision to require her to make a copayment to receive SER for non-heat electricity. The Department approved Petitioner for \$123.83. However, this was insufficient to pay the balance of Petitioner's non-heat electric, so the Department required Petitioner to pay the balance to resolve her emergency.

The Department properly required Petitioner to make a copayment to receive SER for non-heat electricity. When SER is insufficient to resolve the emergency, the SER group is required to contribute toward the cost of resolving the emergency. ERM 208 (May 1, 2021), p. 3. The SER group must pay its portion before the Department will issue an SER payment. ERM 103 (December 1, 2020), p. 4. Since the Department approved Petitioner for the maximum in SER assistance for non-heat electricity that she was entitled to receive, and since it was insufficient to resolve her emergency, the Department properly required Petitioner to contribute to the cost to resolve the emergency before the Department would issue any SER payments. Petitioner failed to provide any evidence that she paid her co-payment of \$189.62 towards her non-heat electricity. Additionally, Petitioner was approved for SER assistance with heat-deliverable fuel in the amount of \$832.03 with no co-payment.

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 acted in accordance with its policies and the applicable law when it determined Petitioner's copayment for SER for non-heat electricity.

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



DH/nr

Danielle R. Harkness
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
MDHHS-Lake-
Hearings@michigan.gov**

Interested Parties
Lake County DHHS
BSC3
J. McLaughlin
E. Holzhausen
MOAHR

Via-First Class Mail :

Petitioner

[REDACTED]
[REDACTED], MI [REDACTED]