



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



Date Mailed: April 10, 2024
MOAHR Docket No.: 24-001763
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 via telephone conference on April 4, 2024, from Detroit, Michigan. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by Lakeyia Johnson, supervisor, and Harry Murphy, specialist.

ISSUE

The issue is whether MDHHS properly denied Petitioner's State Emergency Relief (SER) seeking water bill 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, Petitioner applied for SER seeking payment of a water bill arrearage. Petitioner included a water bill with his SER application.
2. On February 13, 2024, MDHHS denied Petitioner's SER application because Petitioner allegedly failed to timely return to MDHHS a water bill.
3. As of February 27, 2024, Petitioner did not have a shut-off threat to the water bill.
4. On February 21, 2024, Petitioner requested a hearing to dispute the denial of SER.

5. On an unspecified date, MDHHS reregistered Petitioner's SER application.
6. On February 27, 2024, MDHHS denied Petitioner's SER application due to not having a shut-off threat to water.

CONCLUSIONS OF LAW

The State Emergency Relief (SER) program is established by the Social Welfare Act, MCL 400.1-119b. MDHHS administers the SER program pursuant to MCL 400.10 and Mich Admin Code, R 400.7001-7049. SER policies are contained in the Emergency Services Manual (ERM).

Petitioner requested a hearing to dispute a SER denial concerning a water bill arrearage. Exhibit A, pp. 3-5. A State Emergency Relief Decision Notice dated February 13, 2024, stated that Petitioner's application was denied due to Petitioner's failure to verify a water bill. During the hearing, MDHHS acknowledged that the stated reason for SER denial was improper because Petitioner submitted a water bill with his SER application. Exhibit A, p. 10. MDHHS also testified that it reregistered and reprocessed Petitioner's SER application. Following reprocessing, a State Emergency Relief Decision Notice dated February 27, 2024, stated that Petitioner's application was denied due to not having a shut-off threat to water service. Exhibit A, p. 14.

SER helps to restore or prevent shut off to water service when service is necessary to prevent serious harm to SER group members. ERM 302 (December 2022) p. 1. SER payment must restore or continue service for at least 30 days at the current residence. *Id.* Verification of shut-off or threat of shut-off is required. *Id.*, p. 4.

A water bill dated January 17, 2024, submitted by Petitioner with his application stated a balance of \$1,723.41 Exhibit A, p. 10. Despite the substantial balance, there was no indication that a shut-off threat was imminent. During the hearing, Petitioner's testimony acknowledged that his water bill was not in shut-off threat as of February 2024. Without a shut-off threat, MDHHS properly denied Petitioner's SER application.¹

¹ Even if Petitioner's water bill was in shut-off threat, MDHHS testified it approved Petitioner's later SER application for water bill assistance. MDHHS credibly testified Petitioner was conditionally approved for a \$350 water bill payment subject to Petitioner's verified copayment of \$1,510.67 by May 1, 2024. \$350 is the maximum SER water payment for the fiscal year. ERM 302 (December 2022) p. 3. Because MDHHS approved Petitioner for the maximum SER amount within the same fiscal year, any administrative remedy in the present case would be redundant to the later conditional approval of SER.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly denied Petitioner's SER application [REDACTED] 2024. The actions of MDHHS are **AFFIRMED**.

CG/nr



Christian Gardocki

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-Wayne-15-Greydale-
Hearings@michigan.gov**

Interested Parties

Wayne 15 County DHHS
BSC4
J. McLaughlin
E. Holzhausen
MOAHR

Via-First Class Mail :

Petitioner

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