



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

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██████████, MI ██████████

Date Mailed: April 10, 2024
MOAHR Docket No.: 24-002348
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Danielle R. Harkness

HEARING DECISION

On March 11, 2024, Petitioner, ██████████, requested a hearing. As a result, a hearing was scheduled to be held on April 4, 2024, pursuant to MCL 400.9, 7 CFR 273.15, and Mich Admin Code, R 792.11002. Petitioner appeared at the hearing and represented himself. The Department of Health and Human Services (Department) was represented by Amy Miller, Eligibility Specialist.

An 8-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 State Emergency Relief (SER) Assistance for heat-deliverable fuel?

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 ██████████ 2024, Petitioner applied for SER assistance with heat-deliverable fuel and non-heat electricity.
2. On March 8, 2024, the Department sent an SER Decision Notice to Petitioner denying Petitioner's application for SER assistance for heat-deliverable fuel due to excess income. The Department also denied Petitioner's application for SER assistance for non-heat electricity due to not having a past due or shutoff notice.
3. On March 11, 2024, Petitioner requested a hearing to dispute the Department's denial of his request for SER assistance with heat-deliverable fuel.
4. Petitioner did not dispute the Department's denial of his application for SER assistance for non-heat electricity due to not having a past due or shutoff notice.

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 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, the Department denied Petitioner's application for SER with heat-deliverable fuel and non-heat electricity. Petitioner stated he does not dispute the Department's denial for non-heat electricity as he does not have a past due or shutoff notice for this service. However, Petitioner refuted the Department's determination that his income was over the limit to receive SER assistance because his income has not changed for 17 years, and he has received SER assistance in the past. Further, Petitioner indicated that it was unclear as to how his countable income was determined by the Department. No documentation was provided to show the Department properly calculated Petitioner's budget when making its eligibility determination. Accordingly, the Department failed to meet its burden of going forward and establishing that it properly determined that Petitioner was over the income limit to receive SER assistance with heat-deliverable fuel.

DECISION AND ORDER

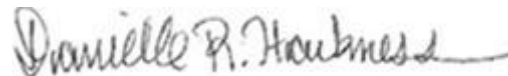
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department did not act in accordance with its policies and the applicable law when it denied Petitioner's request for SER assistance with heat-deliverable fuel.

IT IS ORDERED that the Department's decision is **REVERSED**.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Redetermine Petitioner's SER eligibility with heat-deliverable fuel as of the application date of February 26, 2024.

DH/pt



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
Lacey Whitford
Isabella County DHHS
1919 Parkland Drive
Mt. Pleasant, MI 48858
MDHHS-Isabella-Hearings@michigan.gov

Interested Parties
BSC2
J. McLaughlin
E. Holzhausen
MOAHR

Via-First Class Mail :

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