



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES  
SUZANNE SONNEBORN  
EXECUTIVE DIRECTOR

MARLON BROWN  
DIRECTOR

[REDACTED], MI [REDACTED]

Date Mailed: July 5, 2024  
MOAHR Docket No.: 24-004711  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: L. Alisyn Crawford**

**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 telephone hearing was held on June 6, 2024. Petitioner was present at the hearing and represented herself. The Department of Health and Human Services (Department) was represented by Layana Jefferson, Hearings Facilitator.

**ISSUE**

Did the Department properly deny Petitioner's State Emergency Relief (SER) application for failure to verify copayment?

**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 April 1, 2024, Petitioner applied for SER seeking non-heat electricity assistance.
2. On April 1, 2024, the Department sent Petitioner a SER Decision Notice approving Petitioner for \$309.99 in total payments towards her non-heat electricity costs, conditional upon Petitioner submitted proof of a copayment totaling \$180.21 by April 30, 2024. (Exhibit A, pp. 13-15).
3. On April 23, 2024, Petitioner filed a request for hearing disputing the Department's actions concerning her SER request. (Exhibit A, pp. 4-5).

## **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.

In this case, Petitioner's application for SER assistance with non-heat electricity expenses was approved by the Department with a requirement for Petitioner to pay a copayment prior to the Department paying its share of the cost. Petitioner disputes this action.

In SER cases, non-heat electricity is considered energy services. ERM 301 (January 2024), p. 1. SER assistance for energy services is available to low-income households that meet eligibility requirements. ERM 301, p. 1. A household may receive one SER payment for heat and one SER payment for non-heat electricity per fiscal year up to the SER cap. ERM 301, 1 Payments are limited to the minimum amount necessary to prevent shut off or restore services up to the fiscal year cap. ERM 301, p. 3. The payment limits/fiscal year cap for non-heat electricity is \$850. ERM 301, p. 12. Before the Department will authorize payment of its portion of the cost of services, the client must verify that it or another agency has paid any copayment, shortfall, and contribution. ERM 208 (October 2023), p. 5.

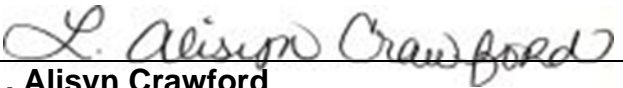
In this case, Petitioner requested SER assistance totaling \$490.20. The Department notified Petitioner that it would pay her non-heat electricity provider \$309.99 after she paid the provider her \$180.21 copayment. The Department testified that prior to this current SER request and approval, Petitioner was issued SER assistance in the amount of \$540.01 on March 6, 2024. That SER payment did not require a copayment because it was Petitioner's first SER request for the relevant fiscal year period. With this current request, Petitioner only had \$309.99 remaining towards the \$850 fiscal cap. Therefore, Petitioner was required to pay a copayment of \$180.21, the difference between the outstanding balance of \$490.20 available to Petitioner and the \$309.99 SER assistance available from the Department because the amount of the need exceeded the remaining payment limits/fiscal year cap remaining for Petitioner. Petitioner did not submit the requested copayment, stating that it is unaffordable. Since policy requires that a copayment is submitted prior to the SER payment authorization, the Department properly denied Petitioner's SER request for failure to provide proof that the required copayment was made.

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 denied Petitioner's SER request.

**DECISION AND ORDER**

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

LC/nr

  
**L. Alisyn Crawford**  
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**

Dawn Tromontine  
Macomb County DHHS Sterling Heights Dist.  
41227 Mound Rd.  
Sterling Heights, MI 48314  
**MDHHS-Macomb-36-Hearings@michigan.gov**

**Interested Parties**

BSC4  
J. Mclaughlin  
E. Holzhausen  
MOAHR

**Via-First Class Mail :**

**Petitioner**

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