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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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Date Mailed: May 30, 2024
MOAHR Docket No.: 24-004901
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Danielle R. Harkness

HEARING DECISION

On March 19, 2024, Petitioner, ██████████ requested a hearing to dispute a January 3, 2024, State Emergency Relief (SER) decision notice. As a result, a hearing was scheduled to be held on May 30, 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 Hannah Czechowski, Hearings Coordinator.

A 24-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 eligibility for SER assistance for heat – natural gas/wood/other and 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 ██████████, 2023, Petitioner applied for SER assistance for heat. Exhibit A, pp. 5-10.
2. On January 3, 2024, the Department mailed a SER Decision Notice to Petitioner to notify her that her SER request for water was approved and her SER request for Consumers Energy assistance was denied.
3. The Department erred in issuing the January 3, 2024, SER Decision Notice. Department Representative Testimony.
4. The Department corrected their error and issued a January 5, 2024, SER Decision Notice to Petitioner to notify her that she was approved for ██████████ with no copayment in SER for heat – natural gas/wood/other and ██████████ with no copayment in SER for non-heat electricity. *Id.* at pp. 12-14.

5. On March 19, 2024, Petitioner requested a hearing to dispute the Department's decision. *Id.* at p. 3.

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, Petitioner is disputing the Department's ██████████ 2024, SER denial. The Department Representative testified that the ██████████ 2024, SER denial was issued in error by the Department and was corrected with the issuance of the ██████████, 2024, SER Decision Notice wherein Petitioner was approved for \$227.30 with no copayment in SER for heat – natural gas/wood/other and \$513.66 with no copayment in SER for non-heat electricity. Exhibit A at pp. 12-14. The Department Representative indicated that Petitioner's request for SER assistance was granted in full and Petitioner received no loss in benefits due to the Department's ██████████ 2024, error. Therefore, although the Department erred in sending the ██████████ 2024, SER denial, it was harmless error because Petitioner suffered no loss in SER benefits.

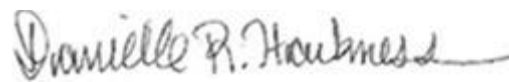
In this case, Petitioner received the full SER payment amount needed to resolve her heat – natural gas/wood/other and non-heat electricity emergency. Petitioner failed to provide any documentation to establish that her utility emergency was not resolved. Therefore, the Department's SER decision must be upheld.

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 eligibility for SER assistance for heat – natural gas/wood/other and non-heat electricity.

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

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
Susan Derseweh
Genesee County DHHS Clio Rd Dist.
4809 Clio Road
Flint, MI 48504
MDHHS-Genesee-Clio-Hearings@michigan.gov

Interested Parties
BSC2
J. McLaughlin
E. Holzhausen
MOAHR

Via-First Class Mail:

Petitioner
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