



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], MI [REDACTED]

Date Mailed: July 30, 2024
MOAHR Docket No.: 24-005489
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 line on July 11, 2024. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by Wanda Thurman, specialist.

ISSUE

The issue is whether MDHHS properly processed Petitioner's State Emergency Relief (SER) request for energy 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] [REDACTED] 2024, Petitioner applied for SER seeking payments for heat and electricity bills.
2. As of April 8, 2024, Petitioner's natural gas account was in shut-off threat with a past-due amount of \$645.36.
3. As of April 8, 2024, Petitioner's electricity account balance had a past due amount of \$3,122.94.

4. On April 8, 2024, MDHHS determined Petitioner was eligible to receive SER payment of \$850 for electricity and \$645.36 for gas subject to Petitioner submitting to MDHHS by May 3, 2024, proof of a \$2,272.94 contribution.
5. As of May 4, 2024, Petitioner did not submit to MDHHS any proof of contribution.
6. As of May 5, 2024, MDHHS made no SER payments toward Petitioner's electricity or gas.
7. On May 6, 2024, Petitioner requested a hearing to dispute the SER determination.

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 MDHHS's failure to issue SER payments towards an electricity and/or gas bill. Exhibit A, pp. 4-5. Petitioner applied for SER on [REDACTED] 2024. Exhibit A, pp. 7-17. A State Emergency Relief Decision Notice dated April 8, 2024, stated that Petitioner was eligible for respective electricity and gas SER payments of \$850.00 and \$645.36. Exhibit A, pp. 22-24. The notice also informed Petitioner that SER payments were conditional upon submitting to MDHHS proof of a \$2,272.94 payment by May 3, 2024. *Id.*

When the SER benefit group's heat or electric service for their current residence is in past due status, in threat of shutoff or is already shut off and must be restored, SER payment may be authorized to the enrolled provider. *Id.*, pp. 3-4. SER payment may be authorized when a household has a past due account or shut-off notice on an energy bill for his or her household. ERM 301 (January 2024) p. 1.

The SER group must contribute toward the cost of resolving the emergency if SER does not cover the full cost of the service. ERM 208 (October 2023) p. 3. Verification that the contribution has been paid must be received before any SER payment can be made. *Id.* The maximum SER payment for heat is \$850; \$850 is also the maximum SER payment for electricity.

MDHHS presented a letter from Petitioner's natural gas provider stating a past-due amount of \$541.07. Exhibit A, pp. 18-19. MDHHS also presented an electricity bill dated February 13, 2024 with a past-due amount of \$2,601.51. Exhibit A, pp. 20-21. MDHHS credibly documented on April 8, 2024, that it verified updated respective energy bill shut-off balances of \$645.36 and \$3,122.94. MDHHS properly budgeted each shut-off amount and determined that Petitioner was left with a \$2,272.94 contribution after subtracting the \$850 maximum SER payment from each energy bill past-due amount.

If the SER group meets all eligibility criteria but has a copayment, shortfall, or contribution, MDHHS is to not issue payment until the client provides proof that payment has been made or will be made by another agency. ERM 208 (October 2023) p. 3. Verification of payment must be received in the MDHHS office within the 30-day eligibility period, or no SER payment will be made, and the client will then have to reapply. *Id.* The State Emergency Relief Decision Notice must be used to inform the SER group of the amount that must be paid and the due date for returning proof of payment. *Id.* The deadline date is always the last day of the 30-day eligibility period regardless of when the client requests the service. *Id.*

It was undisputed that Petitioner did not make the required copayment of \$2,272.94 by the 30-day eligibility period deadline of May 4, 2024. Thus, MDHHS properly did not issue an SER payment for either natural gas or electricity.

Petitioner seemed to contend that his electricity provider and MDHHS conspired to cause an improperly high electricity balance. If Petitioner did not seek a remedy of a lower electricity bill balance due to the conspiracy, Petitioner at least sought a lower-shut-off or past-due amount to be factored in the SER budget. There was no persuasive evidence of a conspiracy between MDHHS and Petitioner's provider. Further, MDHHS has no leeway in factoring a shut-off or past-due balance based on a client's statements rather than the actual balance according to the energy provider.


Consideration was also given to whether MDHHS properly made no SER payment because Petitioner's shut-off amount for gas was less than the SER maximum payment. However, as stated in policy and on the decision notice, no payment will be issued for any service if there is a shortfall, copayment or required contribution. Petitioner's required contribution of \$2,272.94 justifies withholding SER payment for any service conditional upon Petitioner's submission of proof of payment by the 30th day following application.

Given the evidence, MDHHS properly determined Petitioner's SER eligibility for energy service. The evidence further established that MDHHS properly did not issue SER payment due to Petitioner's failure to pay a required contribution by May 4, 2024.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly processed Petitioner's SER-Energy application dated [REDACTED] 2024. MDHHS additionally properly issued no SER payment due to Petitioner's failure to submit to MDHHS proof of a required contribution. The actions taken by 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

Yvonne Hill

Oakland County DHHS Madison Heights Dist.

30755 Montpelier Drive

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MDHHS-Oakland-DistrictII-Hearings@michigan.gov

Interested Parties

BSC4

J. McLaughlin

E. Holzhausen

MOAHR

Via-First Class Mail :

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