



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ORLENE HAWKS
DIRECTOR

[REDACTED]
[REDACTED], MI [REDACTED]

Date Mailed: March 4, 2022
MOAHR Docket No.: 21-005828
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Janice Spodarek

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, an administrative hearing was held on 3/2/2022. Petitioner appeared unrepresented. The Department of Health and Human Services (Department) was represented by Marci Walker, Lead Worker.

ISSUE

Did the Department properly deny Petitioner's State Emergency Relief (SER) application?

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] Petitioner applied for SER.
2. On 11/5/2021 the Department denied Petitioner on the grounds that Petitioner could not meet any co-pay as Petitioner has [REDACTED] income.
3. On [REDACTED] Petitioner reapplied for SER.
4. On 11/15/2021 the Department denied Petitioner's SER application as Petitioner had zero income and could not meet any co-pay.
5. On [REDACTED] Petitioner filed a hearing request.

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, under ERM 207, an applicant is required to contribute toward part of an SER grant a certain portion of the payment for which that individual applies. If the applicant has no income, then the applicant cannot make any copay, or payment.

Here, unrefuted evidence of record is that Petitioner had no income at both of her applications. Under ERM 207, Petitioner has no SER eligibility and the Department was required to deny her application.

Petitioner asks the undersigned to overrule the policy for multiple reasons, including that she has medical issues, was at one time homeless, that she had a brain injury, and that if it were not for COVID she would have income. Petitioner failed to bring forth any policy or law which would give the undersigned authority to grant her relief not recognized by policy. Petitioner's arguments are not relevant to the issue herein.

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 applications.

DECISION AND ORDER

Accordingly, the Department's decision is

AFFIRMED.

JS/dm



Janice Spodarek
Administrative Law Judge
for Elizabeth Hertel, Director
Department of Health and Human Services

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

Sent via Email:

MDHHS-Eaton-County-Hearings
BSC2
T. Bair
E. Holzhausen
MOAHR

Sent via First-Class Mail:

[REDACTED]
[REDACTED], MI [REDACTED]