



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

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

Date Mailed: April 11, 2022
MOAHR Docket No.: 22-000757
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Ellen McLemore

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 April 7, 2022, from Detroit, Michigan. Petitioner was present with his Authorized Hearing Representative, [REDACTED]. The Department of Health and Human Services (Department) was represented by Vanessa Robinson, Eligibility Specialist and Olivette Gordon, Family Independence Manager.

ISSUE

Did the Department properly deny Petitioner's application for State Emergency Relief (SER) for assistance with non-heat electric?

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], 2022, Petitioner submitted an application for SER for assistance with his non-heat electric and gas heat costs (Exhibit A, pp. 7-12).
2. On February 9, 2022, Petitioner was sent a State Emergency Relief Decision Notice notifying him that his request for assistance was denied (Exhibit A, pp. 5-6).
3. On [REDACTED] 2022, Petitioner submitted a request for hearing disputing the Department's actions.

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).

SER

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.

Low-income households who meet all State Emergency Relief (SER) eligibility requirements may receive assistance for energy related services to help them with household heat and electric costs. ERM 301 (February 2017), p. 1. An energy crisis includes an individual or household has a past due account or shut-off notice on an energy bill for his or her household. BEM 301, p. 1. When the 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, payment may be authorized to the enrolled provider. BEM 301, p. 4. The amount of the payment is the minimum necessary to prevent shutoff or restore service, not to exceed the fiscal year cap. BEM 301, p. 4.

On [REDACTED], 2022, Petitioner submitted a request for assistance with his energy-related expenses. At the time of the application, the Department reviewed Petitioner's account information showing he did not have any amounts past due (Exhibit A, p. 13). As a result, the Department denied Petitioner's SER application.

At the hearing, Petitioner's AHR testified she received a bill stating that Petitioner's account was in shut-off status, unless a payment amount of [REDACTED] was made by February 4, 2022. Petitioner's AHR conceded that she made a [REDACTED] payment on January 21, 2022.

As a result of the January 21, 2022 payment, Petitioner's account was no longer past due or in shut-off status as of the application on [REDACTED], 2022. Therefore, there was no emergency. As it follows, the Department properly denied Petitioner's SER application.

FAP

The hearing was requested, in part, to dispute the Department's action taken with respect to Petitioner's Medical Assistance (MA) program benefits. Shortly after commencement of the hearing, Petitioner's AHR testified that she did not wish to

proceed with the hearing with respect to the FAP program. The Request for Hearing was withdrawn. The Department agreed to the dismissal of the hearing request.

Pursuant to the withdrawal of the hearing request filed in this matter in relation to the FAP program, the Request for Hearing is, hereby, **DISMISSED**.

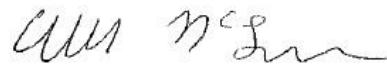
DECISION AND ORDER

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 Department policy when it denied Petitioner's application for SER benefits.

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

Petitioner's request for hearing related to the FAP program is **DISMISSED**.

EM/tm



Ellen McLemore
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

Email Recipients:

MDHHS-Wayne-57-Hearings
T. Bair
E. Holzhausen
BSC4
MOAHR

First Class Mail-Recipients:

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

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