



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

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██████████, MI ██████████

Date Mailed: July 25, 2022
MOAHR Docket No.: 22-002601
Agency No.: ██████████
Petitioner: ██████████

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 July 21, 2022, from Detroit, Michigan. Petitioner was present with her daughter, ██████████. The Department of Health and Human Services (Department) was represented by Juwana Holley-Woods, Assistance Payments 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 ██████████, 2022, Petitioner submitted an application for SER benefits for assistance with her water, heat and a furnace repair (Exhibit A, pp. 3-7).
2. Petitioner's household consisted of herself and her daughter.
3. Petitioner had unearned income in the form of Retirement, Survivors and Disability Insurance (RSDI) benefits in the gross amount of \$██████████ per month (Exhibit A, pp. 10-11).
4. Petitioner's daughter had unearned income in the form of Supplemental Security Income (SSI) benefits in the gross amount of \$██████████ per month (Exhibit A, pp. 13-14).

5. On June 8, 2022, the Department sent Petitioner a State Emergency Relief Decision notice informing Petitioner that her SER application was denied (Exhibit A, pp. 15-17).
6. On [REDACTED] 2022, Petitioner submitted a request for hearing disputing the Department's actions (Exhibit A, pp. 21-22).

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 submitted an application for SER benefits on [REDACTED] 2022. On June 8, 2022, the Department sent Petitioner notice that her SER application was denied. The Department testified that Petitioner's application was denied for excess income.

SER group members must use their available income and cash assets that will help resolve the emergency. ERM 208 (October 2021), p. 1. There are no income copayments for SER energy services. ERM 208, p. 1. With respect to income, clients are either eligible or they are not. ERM 208, p. 1. For a group to be eligible for energy services, the combined monthly net income that is received or expected to be received by all group members in the 30-day countable income period, cannot exceed the standard for SER energy/LIHEAP services for the number of group members. ERM 208, p. 1. If the income exceeds the limit, the request must be denied. ERM 208, p. 1. The SER income need standard for energy/LIHEAP and water/sewer services for a group size of two is \$2,178. ERM 208, p. 6. Heat and electric are energy-related services. ERM 301 (December 2021), pp. 3-4. Repair or replacement of a non-functioning furnace is currently the only allowable energy-related home repair. ERM 304 (October 2017), p. 2.

Net unearned income must be determined by deducting all of the following from the gross amount received: (i) mandatory withholding taxes; (ii) court ordered child support paid, including arrears, but not more than the amount ordered by the court (there is no deduction for paid, voluntary child support); (iii) payments for health insurance; and (iv) Medicare premiums that will not be reimbursed. ERM 206 (November 2019), pp. 4-5.

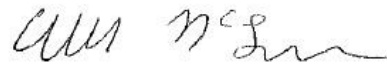
The Department testified that Petitioner's gross RSDI benefit amount was \$[REDACTED]. The Department also stated that the State of Michigan does not pay Petitioner's Medicare Part B premium. As a result, the Department reduced Petitioner's RSDI benefit amount by the Medicare Part B premium rate of \$[REDACTED] to determine Petitioner's net income. Petitioner's net income was correctly calculated to be [REDACTED] per month. The Department also stated it included Petitioner's daughter's SSI benefit amount of \$[REDACTED]. Petitioner's daughter confirmed the Department's net income figures were correct.

The Department properly determined the household income to be \$[REDACTED] per month. As stated above, the income limit for a group size of two for energy-related and water/sewer services is \$[REDACTED]. Petitioner's household income exceeds the income limit for her group size. Therefore, the Department properly determined that Petitioner was not eligible for SER benefits.

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

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

Via-Electronic Mail :

DHHS / Interested Parties

Denise McCoggle
Wayne-Greydale-DHHS
27260 Plymouth Rd
Redford, MI 48239

T. Bair/E. Holzhausen
BSC4
MOAHR

Via-First Class Mail :

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