



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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Date Mailed: September 23, 2022
MOAHR Docket No.: 22-003591
Agency No.: ██████████
Petitioner: ██████████

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 Zoom video conference on September 14, 2022.¹ Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by Crystal Hackney, supervisor

ISSUE

The issue is whether MDHHS properly denied Petitioner's State Emergency Relief (SER) application requesting 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 ██████████ 2022, Petitioner applied for SER seeking assistance with an energy bill.
2. As of July and August 2022, Petitioner was enrolled in the Low-Income Self-Sufficiency Program (LSP) through her energy provider.
3. On August 4, 2022, MDHHS denied Petitioner's SER application due to enrollment in another assistance program
4. On August 15, 2022, Petitioner requested a hearing to dispute the denial of SER.

¹ Though the hearing was held via Zoom video conference, video was not utilized because Petitioner telephoned in to the hearing.

CONCLUSIONS OF LAW

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. SER policies are contained in the Emergency Relief Manual (ERM).

Petitioner requested a hearing to dispute a denial of an SER application. Exhibit A, p. 3. It was not disputed that Petitioner applied for SER on July 26, 2022, seeking assistance with payment of an energy bill. Exhibit A, pp. 5-12. A State Emergency Relief Decision Notice dated August 4, 2022, stated that Petitioner was denied SER due to receipt of another assistance program. Exhibit A, pp. 14-15.

Low-income households who meet SER eligibility requirements may receive assistance with household heat and electric costs. ERM 301 (December 2021) p. 1. Households that are currently enrolled in a provider-sponsored affordable payment plan are not eligible for SER energy services. *Id.*, p. 3. One such program is the LSP. *Id.*

MDHHS presented documentation obtained in a data exchange with Petitioner's energy provider. Exhibit A, p. 12. The documentation dated August 22, 2022, stated that Petitioner was "LSP enrolled". During the hearing, MDHHS checked the current status of Petitioner's energy bill; MDHHS credibly testified that Petitioner's account still indicated LSP enrollment.

Petitioner testified that she was told by her energy provider that she is not enrolled in LSP. Petitioner's testimony, though sincere, was uncorroborated and contradicted multiple documents from her energy provider. Ongoing protection from shut-off was also consistent with Petitioner's testimony that she has not received a shut-off notice for energy service.²

The evidence established that Petitioner was enrolled in a provider-sponsored affordable payment plan. Thus, Petitioner was not eligible for SER and MDHHS properly denied Petitioner's SER application.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly denied Petitioner's SER application for energy services dated July 26, 2022.

² Technically, a shut-off notice is not required to comply with the "crisis" requirement for an SER. ERM 201 (December 2021) p. 1. A past-due notice can suffice. *Id.* Nevertheless, a lack of shut-off is consistent with enrollment in a shut-off protection program.

The actions taken by MDHHS are **AFFIRMED**.

CG/mp



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
MDHHS-Wayne-17-hearings
E. Holzhausen
MOAHR
T. Bair
BSC4

Via-First Class Mail :

Petitioner

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