



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR



Date Mailed: November 16, 2022
MOAHR Docket No.: 22-004542
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Amanda M. T. Marler

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 Zoom video conference hearing was held on November 14, 2022. The Petitioner was self-represented. The Department of Health and Human Services (Department) was represented by Valarie Foley, Hearings Facilitator. Translation services from English to American Sign Language and American Sign Language to English were provided by Tekosha Johnson.

ISSUE

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

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 assistance with her heat and electric.
2. Petitioner does not have any source of income.
3. Petitioner's [REDACTED]-year-old daughter who lives in the home is employed by [REDACTED] and had the following income for September 2022:

September 1, 2022

\$ [REDACTED]

September 15, 2022 \$ [REDACTED]
September 29, 2022 \$ [REDACTED]

4. On September 22, 2022, the Department issued a State Emergency Relief Decision Notice to Petitioner informing her that her application had been denied because her group's countable income was higher than the maximum allowed for the program.
5. On October 4, 2022, the Department received Petitioner's request for hearing disputing the Department's denial of her SER application.

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 requested a hearing disputing the Department's decision to deny her SER heat and electric application based upon income. Low-income households who meet all SER eligibility requirements may receive assistance to help with household heat and electric costs. ERM 301 (December 2021), p. 1. To be eligible, all income of all household members is considered in determining eligibility. ERM 301, p. 6. Countable income includes, but is not limited to, the net amount received of Retirement Survivors Disability Insurance (RSDI) or Supplemental Security Income (SSI) benefits, as well as earned income of all group members. ERM 206 (October 2020), p. 1. SER groups members must use their available income and cash assets to help resolve the emergency. ERM 208 (October 2021), p. 1. Groups include all adults and dependent children who normally live together that actually live together. ERM 201 (October 2020). Therefore, Petitioner's daughter is in the group and her income must be considered in determining eligibility. A group is eligible for energy services when the combined monthly net income that is received or expected to be received by a group is less than the standard for SER energy services based upon group size. *Id.* If income exceeds the limit, the application is denied. *Id.* Net countable income is determined by subtracting any mandatory withholding taxes, court ordered child support, payments for health insurance, and Medicare premiums that are not reimbursed. ERM 206, pp. 4-5.

Petitioner's daughter had gross wages of \$ [REDACTED]. After deductions for mandatory tax withholdings (25%), and there being no evidence of deductions for health insurance, child support or items required for employment, her net income is \$ [REDACTED]. Because

Petitioner has no income, total net household income is \$[REDACTED]. Finally, Petitioner has a group size of two; therefore, the net income limit applicable to Petitioner for energy services is \$2,178.00 per month. ERM 208, p. 6; ERM 100 (October 2021), p. 4. Petitioner's group's net income is greater than the energy services income limit for a group size of two and the Department properly denied Petitioner's application for SER assistance with heat and electric.

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.

DECISION AND ORDER

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

AMTM/cc



Amanda M. T. Marler
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 :

Interested Parties

MDHHS-Wayne-19-Hearings
BSC4-HearingDecisions
E. Holzhausen
T. Bair
MOAHR

Via-First Class Mail :

Petitioner

[REDACTED]
MI [REDACTED]