



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: February 14, 2023
MOAHR Docket No.: 23-000067
Agency No.: [REDACTED]
Petitioner: [REDACTED] [REDACTED]

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on February 8, 2023, from Lansing, Michigan. Petitioner represented herself. The Department was represented by Krista Hainey.

ISSUE

Did the Department of Health and Human Services (Department) properly determine Petitioner's eligibility for State Emergency Relief (SER) 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 [REDACTED] [REDACTED] 2022, the Department received Petitioner's application for State Emergency Relief (SER) assistance. Exhibit A, p 4.
2. On December 22, 2022, the Department notified Petitioner that her request for State Emergency Relief (SER) assistance had been denied. Exhibit A, p 19.
3. On January 3, 2023, the Department received Petitioner's hearing request protesting the denial of her State Emergency Relief (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 *et seq.* The Department administers the SER program pursuant to MCL 400.10 of the Social Welfare Act, MCL 400.1 *et seq.*, and Mich Admin Code, R 400.7000 through R 400.7049.

As a condition of State Emergency Relief (SER) eligibility, all the adults in the SER group must agree to take actions within their ability to make potential resources available. Potential resource means an asset or income that may be available to a client if action is taken to make this available. Department of Health and Human Services Emergency Relief Manual (ERM) 203 (October 1, 2018), p 1.

Low-income households who meet all State Emergency Relief (SER) eligibility requirements may receive assistance to help them with household heat and electric costs. Funding for energy services assistance is provided through the Low-Income Home Energy Assistance Program (LIHEAP). Department of Health and Human Services Emergency Relief Manual (ERM) 301 (December 1, 2022), p 1.

On [REDACTED] 2022, the Department received Petitioner's application seeking SER assistance with paying a utility bill and to avoid having her electricity service shut off. On December 22, 2022, the Department notified Petitioner that her request had been denied.

Petitioner would reapply for SER assistance and her application would be approved after it was discovered that the Department had improperly determined Petitioner's income.

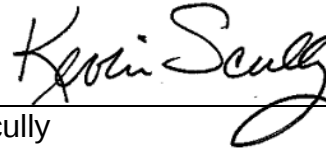
Petitioner argues that as a result of the Department's failure to properly determine her eligibility for SER assistance in a timely manner, that she would not have been required to pay a fee to restore her utilities and that she would not be required to maintain a balance on her account.

While the Department concedes that Petitioner's eligibility for SER assistance was not properly determined on December 22, 2022, reprocessing the December 20, 2022, would not resolve Petitioner's grievance. Although December 22, 2022, notice does not give a correct reason for the denial of SER assistance, the denial of the application is now correct because there the threat to Petitioner of having her electricity has now been resolved.

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 State Emergency Relief (SER) assistance.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.



KS/nr

Kevin Scully
Administrative Law Judge
Michigan Office of Administrative Hearings
and Rules (MOAHR)

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

Cindy Tomczak
Berrien County DHHS
401 Eighth Street
Benton Harbor, MI 49023
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Hearings@michigan.gov**

Interested Parties

Berrien County DHHS
BSC3
K. Schulze
E. Holzhausen
MOAHR

Via-First Class Mail :

Petitioner

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