



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: March 1, 2023
MOAHR Docket No.: 23-000112
Agency No.: ██████████
Petitioner: ██████████ ██████████

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; 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 February 22, 2023, from Lansing, Michigan. The Petitioner represented herself. The Department of Health and Human Services (Department) was represented by Tonya Turkelson.

ISSUE

Did the Department properly deny 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 ██████████ ██████████ 2022, the Department received Petitioner's application for State Emergency Relief (SER) assistance with paying for propane fuel. Exhibit A, pp 15-29.
2. On December 28, 2022, the Department discovered that Petitioner had already received a delivery of propane fuel. Exhibit A, p 14.
3. On December 29, 2022, the Department notified Petitioner that she was not eligible for State Emergency Relief (SER) assistance. Exhibit A, p 5.
4. On January 12, 2023, the Department received Petitioner's request for a hearing protesting the denial of State Emergency Relief (SER) assistance. Exhibit A, pp 3-4.

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. Department of Health and Human Services Emergency Relief Manual (ERM) 203 (October 1, 2018), p 1.

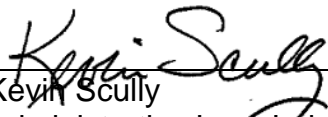
In this case, Petitioner requested assistance with obtaining propane fuel to head his home. Before his eligibility for SER assistance was determined, Petitioner was able to obtain a delivery of propane fuel without SER assistance. Therefore, the Department notified Petitioner that he was not eligible for SER assistance because there was no longer an emergency situation.

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 determined that Petitioner was not eligible 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
Amy Assante
Charlevoix County DHHS
2229 Summit Park Dr.
Petoskey, MI 49720
**MDHHS-CHX-Emmet-
Hearings@michigan.gov**

Interested Parties
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Petitioner
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