



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: March 20, 2023
MOAHR Docket No.: 23-000861
Agency No.: [REDACTED]
Petitioner: [REDACTED] [REDACTED]

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 March 15, 2023, from Lansing, Michigan. The Petitioner was represented by himself. The Department of Health and Human Services (Department) was represented by Tammy Jackson Hearing Facilitator. Department Exhibit 1, pp. 1-32 was received and admitted.

ISSUE

Did the Department properly deny Petitioner's State Emergency Relief due to excess income?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Petitioner testified at hearing that he was satisfied with the Department action with regard to his FAP benefit.
2. On [REDACTED] [REDACTED] 2022, Petitioner applied for SER.
3. Petitioner's wife had \$[REDACTED] in employment income in the 30 days prior to Petitioner's SER application. (Ex. 1, p. 29)
4. Petitioner's child received \$[REDACTED] in SSI income in the 30 days prior to the SER application. (Ex. 1, p. 24)

5. On December 15, 2022, an SER Decision Notice was sent to Petitioner informing him that his SER application was denied because "Your countable income is higher than the maximum amount allowed for this program." (Ex. 1, pp. 16-17)
6. Petitioner reapplied for SER and was approved.
7. On February 1, 2023, Petitioner requested hearing raising issues about his pipes bursting and asserting that the state is responsible to pay for the repair costs.

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.

Standard of Promptness

Give priority to SER applicants when there is a direct threat to health or safety requiring immediate attention.

The SER standard of promptness is **10 business days**, beginning with the date the signed SER application is received in the local office. The case record must include documentation for any delay in processing the application beyond the standard of promptness.

Do not use the standard of promptness as a basis for denial of SER applications.

Continue to pend an application if the SER group is cooperating within their ability to provide verifications.

Deny the application if the group does not cooperate.

The case record must include documentation for any delay in processing the application beyond the standard of promptness. ERM 103 (October 2022)

In this case, Petitioner had net household income totaling \$[REDACTED] from his wife's employment income and his child's SSI benefit. The income limit for SER was \$2,878, therefore Petitioner's household income was above the income limit and the denial for excess income was proper and correct and consistent with Department policy. ERM 103, 208 Petitioner raised issues with his wife's employment income being lower because her rate of pay was lowered but the Department used her actual employment income when they budgeted.

On [REDACTED] 2023, Petitioner applied for SER. (Ex. 1, pp. 6-14) On December 15, 2023, Petitioner's SER application was processed, and an SER Decision Notice was

sent to him. (Ex. 1, pp. 16-18) The standard of promptness is 10 days; therefore, the application was processed timely. ERM 103 Petitioner did not request a hearing for 47 days.

Petitioner filed a new application for SER and was approved. Petitioner paid his co-payment, and the benefit was issued. Petitioner argued that the Department should be responsible for the damage caused by his pipes bursting because the Department incorrectly denied his first application. The undersigned Administrative Law Judge has no jurisdiction to address that claim.

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 due to excess income. Petitioner's SER application was processed within the standard of promptness.

DECISION AND ORDER

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

AM/nr



Aaron McClintic
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

Rolando Gomez
Tuscola County DHS
1365 Cleaver Road
Caro, MI 48723
**MDHHS-Tuscola-
Hearings@michigan.gov**

Interested Parties

Tuscola County DHHS
BSC2
K. Schulze
E. Holzhausen
MOAHR

Via-First Class Mail :

Petitioner

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