



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: April 14, 2023  
MOAHR Docket No.: ██████████  
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 telephone conference line on April 10, 2023. Petitioner did not participate. Shenika Mays, Petitioner's spouse, testified on behalf of Petitioner. The Michigan Department of Health and Human Services (MDHHS) was represented by Valarie Foley, hearings facilitator.

**ISSUE**

The issue is whether MDHHS properly processed Petitioner's State Emergency Relief (SER) request for 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 ██████████ 2023, Petitioner applied for SER seeking assistance with a rent arrearage.
2. On January 26, 2023, MDHHS approved Petitioner for \$██████ in SER funds, conditional upon Petitioner submitting proof of a copayment of \$2,278.26 by February 18, 2023.
3. On February 15, 2023, Petitioner submitted to MDHHS receipts totaling a \$2,300 payment to her landlord
4. As of March 6, 2023, MDHHS had not processed the \$██████ SER payment for Petitioner.

5. On March 6, 2023, Petitioner requested a hearing to dispute MDHHS's failure to process SER payment.

### **CONCLUSIONS OF LAW**

The State Emergency Relief (SER) program is established by the Social Welfare Act, MCL 400.1-.119b. MDHHS administers the SER program pursuant to MCL 400.10 and Mich Admin Code, R 400.7001-.7049. SER policies are contained in the Emergency Services Manual (ERM).

Petitioner requested a hearing to dispute MDHHS's failure to process a conditional SER payment. Exhibit A, pp. 3-5. A State Emergency Relief Decision Notice dated January 26, 2023, stated that Petitioner was eligible for SER of \$[REDACTED] for a rent arrearage. Exhibit A, pp. 9-13. The notice also informed Petitioner that SER payment was conditional upon submitting proof of a \$2,278.26 copayment by February 18, 2023. The only dispute was whether Petitioner submitted to MDHHS proof of a \$2,278.26 copayment by the deadline date.

If the SER group meets all eligibility criteria but has a copayment, shortfall, or contribution, MDHHS is to not issue payment until the client provides proof that payment has been made or will be made by another agency. ERM 208 (December 2022) p. 5. Verification of payment must be received in the MDHHS office within the 30-day eligibility period or no SER payment will be made, and the client will then have to reapply. *Id.* The State Emergency Relief Decision Notice must be used to inform the SER group of the amount that must be paid and the due date for returning proof of payment. *Id.* The deadline date is always the last day of the 30-day eligibility period regardless of when the client requests the service. *Id.*

Petitioner testified she paid her landlord \$2,300 on February 15, 2023 and went directly to the MDHHS office to submit proof of payment. Petitioner also testified she handed two receipts totaling \$2,300 to a person working at MDHHS's front desk. Petitioner further testified that the person made a copy of Petitioner's receipts before returning them to Petitioner. Petitioner's testimony was consistent with the receipt dates of February 2 and February 15, 2023.

MDHHS testimony indicated it did not receive verification of copayment from Petitioner until a photo of the receipts was electronically submitted by Petitioner on February 23, 2023. Exhibit A, p. 7. MDHHS's testimony was consistent with Petitioner's electronic case file which listed no documents submitted by Petitioner before February 23, 2023. Exhibit A, p. 8. Petitioner explained she only submitted the receipts to MDHHS on February 23, 2023, after calling MDHHS on the same date and being told that no receipts were previously received.

Petitioner's only evidence of a submission dated February 15, 2023 was her uncorroborated testimony. However, there was also no evidence that MDHHS provided

Petitioner with an ability to verify her submission (e.g., a date stamp available to clients or a signature log). Petitioner also provided details of her submission such as a description of the person who took her documents and a subsequent conversation with the person allegedly claiming that she remembered Petitioner dropping off the documents. Petitioner's testimony of submitting proof of copayment to MDHHS on February 15, 2023, is deemed credible.

Given the evidence, Petitioner submitted to MDHHS proof of \$2,300 copayment on February 15, 2023. Thus, Petitioner's submission was timely for MDHHS to process SER payment of \$[REDACTED].<sup>1</sup> As a remedy, MDHHS will be ordered to process SER payment.

### **DECISION AND ORDER**

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS improperly failed to process Petitioner's SER payment. It is ordered that MDHHS commence the following actions within 10 days of the date of mailing of this decision:

- (1) Reprocess Petitioner's SER payment subject to the finding that Petitioner timely submitted to MDHHS proof of a \$2,300 copayment on February 15, 2023; and
- (2) Issue notice, if any, and SER payment accordingly.

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

CG/mp



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**Christian Gardocki**  
Administrative Law Judge

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<sup>1</sup> Because Petitioner paid \$1.74 more than required, the conditional SER payment of \$[REDACTED] may be reduced by Petitioner's overpayment (see ERM 103).

**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**  
DHHS-Wayne-19-Hearings  
E. Holzhausen  
J. Mclaughlin  
MOAHR  
BSC4

**Via-First Class Mail :**

**Petitioner**  
[REDACTED]  
[REDACTED]  
[REDACTED] MI [REDACTED]