



GRETCHEN WHITMER
GOVERNOR

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

MARLON I. BROWN, DPA
ACTING DIRECTOR



Date Mailed: November 20, 2023
MOAHR Docket No.: 23-006582
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Danielle Nuccio

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 November 9, 2023. Petitioner appeared and represented herself. The Department of Health and Human Services (MDHHS) was represented by Danielle Moton, Assistant Payments Worker.

ISSUE

Did MDHHS properly process Petitioner's application for State Emergency Relief (SER) and deny the application 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. On [REDACTED] 2023, Petitioner applied for SER for assistance in paying her DTE Energy gas and electricity bill. Petitioner is a group size of one and has income from Retirement, Survivors, Disability Insurance (RSDI) in the amount of \$[REDACTED] monthly (Exhibit A, pp. 10-15).
2. On September 5, 2023, MDHHS issued a State Emergency Relief Decision Notice to Petitioner, informing her that her SER application was denied due to excess income (Exhibit A, pp. 7-9).
3. On September 25, 2023, Petitioner submitted a timely filed hearing request disputing the denial of her SER application (Exhibit A, pp. 3-5).

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 applied for SER for payment towards her outstanding heat and electricity bills to DTE Energy. Petitioner's SER application was denied due to excess household income. Petitioner requested a hearing to dispute this denial.

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). A household may receive one SER payment for heat and one for non-heat electricity, up to the SER cap, each fiscal year based on the SER Service Request Date. ERM 301 (April 2023), p. 1. SER group members must use their available income and cash assets that will help resolve the emergency. For a group to be eligible for energy services, the combined monthly net income that is received or expected to be received by all group members in the 30-day countable income period, cannot exceed the standard for SER energy for the number of group members. If the income exceeds the limit, the SER request must be denied. ERM 208 (October 2021), p. 1; ERM 206 (November 2019), p. 1. Heat and electricity are energy-related services. ERM 301, pp. 3-4. The SER income need standard for energy services for a group size of one is \$1,698.00. ERM 208, p. 6.

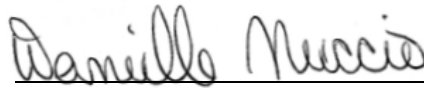
In this case, MDHHS verified, and Petitioner confirmed, that she receives \$[REDACTED] in monthly income from RSDI. This exceeds the income limit for a group size of one of \$1,698.00. Therefore, MDHHS acted in accordance with policy in denying Petitioner's SER application due to excess income.

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 gross income.

DECISION AND ORDER

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

DN/mp



Danielle Nuccio

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-17-hearings

E. Holzhausen

J. McLaughlin

MOAHR

BSC4

Via-First Class Mail :

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