



GRETCHEN WHITMER
GOVERNOR

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

MARLON BROWN
DIRECTOR

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Date Mailed: June 18, 2024
MOAHR Docket No.: 24-001470-REH
Agency No.: ██████████
Petitioner: ██████████ ██████████

ADMINISTRATIVE LAW JUDGE: Colleen Lack

HEARING DECISION ON REHEARING

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, an in-person hearing was held on May 21, 2024, from Baldwin, Michigan. ██████████ ██████████ the Petitioner, appeared on her own behalf. The Department of Health and Human Services (Department) was represented by Kael Meyer, Assistance Payments Supervisor (APS).

During the hearing proceeding, pages 3-30 of the Department's Hearing Summary packet were admitted as Exhibit A; additional documentation from the Department was admitted as Exhibit B, pp. 1-20; and Petitioner's documentation packet was admitted as Exhibit 1, pp. 1-40.

ISSUE

Did the Department properly determine Petitioner's eligibility for State Emergency Relief (SER)?

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 November ██████████ 2023, Petitioner submitted an Assistance Application for SER requesting assistance with propane. (Exhibit B, pp. 1-15; Exhibit 1, p. 9)
2. On November ██████████ 2023, a SER Decision Notice was issued to Petitioner approving SER for assistance with non-heat electricity and heat- deliverable fuel. The dates covered for the approval were November 13, 2023 to December 12, 2023. For non-heat electricity, the Department was to pay \$██████████ and Petitioner did not have an

amount to pay. For heat-deliverable fuel, the Department was to pay \$[REDACTED] and Petitioner was to pay \$[REDACTED] (Exhibit B, pp. 16-19; Exhibit 1, p. 10)

3. On January [REDACTED] 2024, Petitioner submitted an Assistance Application for SER requesting assistance with electricity services. The Department asserts that the signature page was not signed. (Exhibit A, pp. 3-17; Exhibit 1, pp. 11-12)
4. On January [REDACTED] 2024, the Department contacted Petitioner asking her to come back in to submit a signed signature page and letting her know the application could not be processed until the signature is received. A copy of the signature page with a self-addressed stamped envelope was also sent to Petitioner in case she could not make it back in to sign. (Exhibit A, p. 3)
5. On January [REDACTED] 2024, an Application Notice was issued to Petitioner indicating SER was denied because Petitioner did not qualify for assistance through SER. (Exhibit 1, p. 15)
6. On January [REDACTED] 2024, the Department received a signed signature page from Petitioner. Petitioner noted "this was signed the 18th." (Exhibit A, p. 18)
7. On January [REDACTED] 2024, a SER Decision Notice was issued to Petitioner approving SER for assistance with non-heat electricity and heat- deliverable fuel. The dates covered for the approval were January 18, 2024 to February 16, 2024. For non-heat electricity, the Department was to pay \$[REDACTED] and Petitioner was to pay \$[REDACTED] For heat-deliverable fuel, the Department was to pay \$[REDACTED] and Petitioner did not have an amount to pay. (Exhibit A, pp. 23-28; Exhibit 1, p. 16)
8. On January 26, 2024, Petitioner filed a hearing request contesting the Department's actions regarding her SER requests. (Exhibit A, pp. 18-24; Exhibit 1, pp. 13-14, 17, 23-24)

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.

Applicants must complete and sign one of the following applications in order to apply for State Emergency Relief (SER): DHS-1514, Application for State Emergency Relief; MDHHS-1171, Assistance Application, and the MDHHS-1171- SER, State Emergency Relief (SER) supplemental form; a MI Bridges online application in which a SER service has been requested. The Department is to obtain all supporting verifications and applicant signatures. The signature(s) establishes that clients understand their rights and responsibilities and that they prepared the application(s) truthfully under penalty of perjury. ERM 103, October 1, 2023, p. 1.

The Department is to accept and register a SER application if the following information is provided: applicant name; address or statement of homelessness; birthdate; applicant's or authorized representative's signature. ERM 103, October 1, 2023, p. 2.

The application date is the first day of the 30-day SER eligibility period. If the application is approved, the 30-day eligibility period does not change regardless of how many service requests the client may make during that period. If the application is denied and the client reapplies, a new 30-day period will start with the new application date. ERM 103, October 1, 2023, p. 2.

The SER group must contribute toward the cost of resolving the emergency if SER does not cover the full cost of the service. Other persons or organizations can also contribute funds on behalf of the SER group. Verification that the contribution has been paid must be received before any SER payment can be made. ERM 208, October 1, 2023, p. 3.

In this case, Petitioner's hearing request indicates she is contesting a denial of SER and that the Department failed to pay the past gas bill even though Petitioner was approved for assistance with this. (Exhibit A, pp. 17-24; Exhibit 1, pp. 13-14, 17, 23-24).

On November █ 2023, Petitioner submitted an Assistance Application for SER requesting assistance with propane. (Exhibit B, pp. 1-15; Exhibit 1, p. 9). On November █ 2023, a SER Decision Notice was issued to Petitioner approving SER for assistance with non-heat electricity and heat- deliverable fuel. The dates covered for the approval were November 13, 2023 to December 12, 2023. For non-heat electricity, the Department was to pay \$█ and Petitioner did not have an amount to pay. For heat-deliverable fuel, the Department was to pay \$█ and Petitioner was to pay \$█ (Exhibit B, pp. 16-19; Exhibit 1, p. 10). Overall, the Department properly processed Petitioner's November █ 2023 SER application, approved her request for assistance, and utilized the application date as the start date for the 30-day eligibility period.

The correspondence the Department received from Amerigas indicates that on November 30, 2023 and December 1, 2023, they received pledges from the Department for \$█ and █ for \$█ which would cover the current quote from November 15, 2023. On December 12, 2023, a credit memo was issued for a March 2022 delivery that was made with no pledge received. Additionally, full delivery was made on January █ 2024. (Exhibit B, p. 20). Accordingly, the January █ 2024 delivery did not occur until after the approval dates from the November █ 2023 SER approval determination, which were November 13, 2023 to December 12, 2023. However, █ stated that because

the delivery in January was made from the previous pledge, when Petitioner did not really have the credit available on her account, they credited her past due balance of \$ [REDACTED]. Accordingly, Petitioner only has a current balance of \$ [REDACTED] (Exhibit B, p. 20).

On January [REDACTED] 2024, Petitioner submitted an Assistance Application for SER requesting assistance with electricity services. The Department asserts that the signature page was not signed. (Exhibit A, pp. 3-17; Exhibit 1, pp. 11-12). On January [REDACTED] 2024, the Department contacted Petitioner asking her to come back in to submit a signed signature page and letting her know the application could not be processed until the signature is received. A copy of the signature page with a self-addressed stamped envelope was also sent to Petitioner in case she could not make it back in to sign. (Exhibit A, p. 3). Accordingly, the Department attempted to obtain the required signature. On January [REDACTED] 2024, an Application Notice was issued to Petitioner indicating SER was denied because Petitioner did not qualify for assistance through SER. (Exhibit 1, p. 15). It appears this notice was issued because the January 18, 2024 application could not be processed because it was not signed pursuant to the ERM 103 policy.

On January [REDACTED] 2024, the Department received a signed signature page from Petitioner. Petitioner noted "this was signed the 18th." (Exhibit A, p. 18). However, the Department provided sufficient evidence to show that the signature page they received on January [REDACTED] 2024, was not signed. (Exhibit A, p. 11).

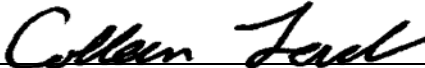
On January [REDACTED] 2024, a SER Decision Notice was issued to Petitioner approving SER for assistance with non-heat electricity and heat- deliverable fuel. The dates covered for the approval were January 18, 2024 to February 16, 2024. For non-heat electricity, the Department was to pay \$ [REDACTED] and Petitioner was to pay \$ [REDACTED]. For heat-deliverable fuel, the Department was to pay \$ [REDACTED] and Petitioner did not have an amount to pay. (Exhibit A, pp. 23-28; Exhibit 1, p. 16). Overall, the Department properly processed Petitioner's SER application with an application date of January [REDACTED] 2024, based on when they received the signed signature page. The Department approved Petitioner's request for assistance and utilized the application date as the start date for the 30-day eligibility period.

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 Petitioner's eligibility for SER.

DECISION AND ORDER

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

CL/dm



Colleen Lack
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
Kael Meyer
Lake County DHHS
MDHHS-Lake-
Hearings@michigan.gov

McLaughlinJ

HolzhausenE

BSC3HearingDecisions

MOAHR

Via-First Class Mail :

Petitioner
[REDACTED]
[REDACTED]
[REDACTED]