



GRETCHEN WHITMER
GOVERNOR

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

MARLON BROWN DPA
DIRECTOR

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

Date Mailed: April 23, 2024
MOAHR Docket No.: 24-002953
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Amanda M. T. Marler

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 April 18, 2024. The Petitioner was self-represented. The Department of Health and Human Services (Department) was represented by Kimberly Owens, Assistance Payments Supervisor.

ISSUE

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

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 February 26, 2024, the Department received Petitioner's application for Food Assistance Program (FAP) and SER assistance with heat and non-heat electric with a household size of two including herself and her husband with income for Petitioner from employment as a home health care worker.
2. In January 2024, Petitioner received \$ [REDACTED] in wages.
3. In February 2024, Petitioner received \$ [REDACTED] in wages.
4. On February 27, 2024, the Department issued a State Emergency Relief Decision Notice (SERDN) to Petitioner advising her that her SER application had been denied because "countable income is higher than the maximum amount allowed for this program."

5. On March 13, 2024, the Department received Petitioner's request for hearing disputing the denial of both FAP and SER benefits.
6. At the hearing, Petitioner testified that her concerns with respect to FAP have been resolved and she did not wish to proceed with the hearing on the issue of FAP eligibility.

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's application for SER assistance with heat and electric was denied due to excess income. Low-income households who meet all SER eligibility requirements may receive assistance to help with household heat and electric costs. ERM 301 (January 2024), p. 1. To be eligible, all income of all household members is considered in determining eligibility. ERM 301, pp. 7-8. Countable income includes, but is not limited to, the net amount received of Retirement Survivors Disability Insurance (RSDI) or Supplemental Security Income (SSI) benefits, as well as earned income of all group members. ERM 206 (October 2023), p. 1. SER groups members must use their available income and cash assets to help resolve the emergency. ERM 208 (October 2023), p. 1. Groups include all adults and dependent children who normally live together that actually live together. ERM 201 (October 2023). Petitioner and her husband live in the house; therefore, they have a group size of two. A group is eligible for energy services when the combined monthly net income that is received or expected to be received by a group in the 30-day countable income period is less than the standard for SER energy services based upon group size. ERM 208, p. 1. If income exceeds the limit, the application is denied. *Id.* Net countable income is determined by subtracting any mandatory withholding taxes, court ordered child support, payments for health insurance, and Medicare premiums that are not reimbursed. ERM 206, pp. 4-6.

According to verifications received by the Department through the Consolidated Income Inquiry as well as a letter submitted on Petitioner's behalf for verification of income, Petitioner received \$[REDACTED] in earned income for her work in home help for February 2024. Petitioner disputed the accuracy of the wages but was unable to provide any form of verifications showing the income she actually received or identify the exact amount received. Therefore, the verifications relied upon by the Department are used for purposes of this decision. No evidence was presented regarding any taxes, child support,

health insurance, or Medicare premiums. Therefore, Petitioner's gross income is equal to her net income. The net income limit applicable to Petitioner for energy services is \$2,465.00 per month. ERM 208, p. 6; ERM 100 (October 2023), p. 4. Petitioner's net income is greater than the energy services income limit for a group size of two and the Department properly denied Petitioner's application for SER assistance with heat and non-heat electric.

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.

DECISION AND ORDER

Petitioner's request for hearing as it relates to the **FAP** is **DISMISSED**.

The Department's decision is **AFFIRMED** with respect to the **SER** program.

AMTM/cc



Amanda M. T. Marler
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-57-Hearings
BSC4-HearingDecisions
E. Holzhausen
J. McLaughlin
N. Denson-Sogbaka
B. Cabanaw
M. Holden
MOAHR

Via-First Class Mail :

Petitioner

████████████████████
████████████████████
██████ MI ██████