



GRETCHEN WHITMER
GOVERNOR

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

MARLON BROWN
DIRECTOR

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

Date Mailed: May 28, 2024
MOAHR Docket No.: 24-003845
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Julia Norton

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 May 20, 2024. Petitioner was present and self-represented. Interpreter number 7641 appeared as an Arabic interpreter for Petitioner. The Department of Health and Human Services (Department) was represented by Jamila Goods, Eligibility Specialist.

ISSUE

Did the Department properly deny Petitioner’s State Emergency Relief (SER) application?

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 ██████████ 2024, Petitioner applied for SER assistance for energy services, including both household heat and electric costs.
2. On February 21, 2024, the Department sent Petitioner a SER Verification Checklist (VCL) requesting proof of the last 30 days of income for Petitioner and ██████████ (MH), with a due date of February 28, 2024. Exhibit A, pp. 5-6.
3. On March 4, 2024, the Department sent Petitioner a SER Decision Notice informing Petitioner that his application for SER assistance was denied for failing to return verification of income for MH. Exhibit A, pp. 7-9.
4. On April 9, 2024, the Department received Petitioner’s hearing request disputing the Department’s action of denying his SER application for failing to return verification of income. Exhibit A, pp. 3-4.

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 disputes the Department's denial of his SER application for failing to return income verifications for MH.

Households who meet all SER eligibility requirements may receive assistance to help them with household heat and electric costs. ERM 301(June 2024), p. 1. To determine whether an individual is eligible for SER, the Department must verify and budget the applicant's net income, which includes all non-excluded gross income the individual or group expects to receive during the countable income period. ERM 206 (June 2024), p. 1. The countable income period is 30 days, beginning on the date the application is received. *Id.*

Petitioner applied for SER assistance on [REDACTED] 2024. The Department was in receipt of the application no later than February 21, 2024 based on its issuance of the VCL dated February 21, 2024. The countable income period began on the date the Department received the application. To determine Petitioner's income for the countable period, the VCL requested verification of both Petitioner's and MH's wages by providing "[]ast 30 days of check stubs or earnings statements" or an employer statement.

The Department does not dispute it timely received Petitioner's verifications but argues that MH's verifications were not acceptable. In response to the VCL, Petitioner submitted MH's paystubs for the pay dates of February 9, February 16, and February 23, 2024. The Department acknowledged receipt of those paystubs but indicated it did not receive a paystub for January 26, 2024. The Department requested paystubs covering 30 days. It only received paystubs covering 21 days. The Department properly denied Petitioner's application because Petitioner did not submit paystubs for the 30-day period as requested.

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 application.

DECISION AND ORDER

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

A handwritten signature in black ink, appearing to read "Julia Norton", written over a horizontal line.

JN/cc

Julia Norton
Administrative Law Judge

