



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: August 6, 2024
MOAHR Docket No.: 24-005442
Agency No.: ██████████
Petitioner: Michelle Mathis

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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 July 17, 2024, from Lansing, Michigan. ██████████ ██████████ the Petitioner, appeared on her own behalf. The Department of Health and Human Services (Department) was represented by Hannah Czechowski, Hering Coordinator (HC).

During the hearing proceeding, the Department's Hearing Summary was admitted as Exhibit A, pp. 1-44.

ISSUES

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

Did the Department properly determine Petitioner's eligibility for the Medicare Savings Program (MSP)?

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 April ██████ 2024, Petitioner applied for SER and other benefit programs. Petitioner requested SER assistance with electricity. Petitioner reported herself and a nephew in the home. Employment income for Petitioner's nephew was reported at ██████████ ██████████ average 16 hours per week, wage \$████████ per hour. Petitioner reported that her income changes month to month with an estimated annual income of \$████████ for this year and \$████████ for next year. (Exhibit A, pp. 8-15)

2. The Department verified that the household income is \$ [REDACTED] ([REDACTED])
\$ [REDACTED] SSI \$ [REDACTED] and RSDI \$ [REDACTED] (Exhibit A, pp. 42-44; HC Testimony)
3. On April [REDACTED] 2024, a SER Decision Notice was issued to Petitioner denying SER due to income that is higher than the limits for this program. (Exhibit A, pp. 22-26)
4. On May 7, 2024, Petitioner filed a hearing request contesting the Department actions regarding SER and the MSP. (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).

MSP

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act, 42 USC 1396-1396w-5; 42 USC 1315; the Affordable Care Act of 2010, the collective term for the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152; and 42 CFR 430.10-.25. The Department (formerly known as the Department of Human Services) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

Petitioner's May [REDACTED] 2024 hearing request indicated she was contesting a denial for the Medicare Savings Program (MSP). However, shortly after the hearing commenced, Petitioner indicated that there is no longer a contested issue regarding the MSP program. Petitioner withdrew the MSP portion of the hearing request. Accordingly, the MSP portion of the hearing request is dismissed.

SER

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.

A single SER group consists of persons who occupy the same home. Home means the place where the members of the SER group keep their personal belongings and sleep. ERM 201, October 1, 2023, p. 1. The Department is to verify income, assets and potential resources of all group members. ERM 201, p. 1.

The SER budget computation period is 30 days. This is referred to as the countable income period. The first day of the countable income period is the date the local office receives a signed application for SER. ERM 206, April 1, 2024, p. 1. The Department is to verify and budget all non-excluded gross income the SER group expects to receive during the countable income period. For Social Security benefits (RSDI/SSI) the Department is to use the gross amount received. ERM 206, p. 1.

For SER energy services, all household members are included in the SER group. Income of all household members is budgeted. The household income must be at or below the LIHEAP income limit for the group to qualify for SER; see Exhibit II - SER Income Need Standards for Energy/LIHEAP Services in ERM 208. ERM 301, January 1, 2024, p. 8.

For a family size of two, the SER income need standards for energy/LIHEAP and water/sewer services is \$2,465.00. ERM 208, October 1, 2023, p. 6.

In this case, Petitioner applied for SER and other benefit programs on April [REDACTED] 2024. Petitioner requested SER assistance with electricity. Petitioner reported herself and a nephew in the home. Employment income for Petitioner's nephew was reported at [REDACTED] [REDACTED] average 16 hours per week, wage \$[REDACTED] per hour. Petitioner reported that her income changes month to month with an estimated annual income of \$[REDACTED] for this year and \$[REDACTED] for next year. (Exhibit A, pp. 8-15).

However, the Department verified that the household income is \$[REDACTED] ([REDACTED] \$[REDACTED] SSI \$[REDACTED] and RSDI \$[REDACTED] (Exhibit A, pp. 42-44; HC Testimony). Petitioner asserted that the income amounts for her nephew could not be correct. However, Petitioner acknowledged that she did not know the finances of her nephew. Petitioner only knows what he tells her. (Petitioner Testimony). The Department verified the employment income with a report from The Work Number. The Department verified the SSI/RSDI income with an SOLQ report. The household income of \$[REDACTED] exceeded the income limit of \$2,465.00. (Exhibit A, pp. 42-44; HC Testimony). Accordingly, on April [REDACTED] 2024, a SER Decision Notice was issued to Petitioner denying SER due to income that is higher than the limits for this program. (Exhibit A, pp. 22-26).

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

The MSP portion of Petitioner's hearing request is **DISMISSED** based on the withdrawal of the hearing request on the record. Further, the Department's decision regarding SER 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
Hannah Czechowski
Genesee County DHHS Clio Rd Dist.
**MDHHS-Genesee-Clio-
Hearings@michigan.gov**

SchaeferM

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McLaughlinJ

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Via-First Class Mail :

Petitioner

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