



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES  
SUZANNE SONNEBORN  
EXECUTIVE DIRECTOR

MARLON I. BROWN, DPA  
DIRECTOR

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

Date Mailed: July 30, 2024  
MOAHR Docket No.: 24-005614  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Linda Jordan**

**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 hearing was held on July 10, 2024, via teleconference. Petitioner appeared and represented herself. Kimberly Reed, Assistance Payments Supervisor, appeared on behalf of the Michigan Department of Health and Human Services (MDHHS or Department). MDHHS' Hearing Packet was admitted at the hearing as MDHHS Exhibit A, pp. 1-15.

**ISSUE**

Did MDHHS properly deny Petitioner's application for State Emergency Relief (SER) services?

**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] 2024, Petitioner applied for SER services for assistance with a past due water/sewer bill (Exhibit A, p. 10).
2. On March 28, 2024, MDHHS sent Petitioner a State Emergency Relief Decision Notice indicating that her request for assistance with utility services had been denied because she did not have a past due or shutoff notice (Exhibit A, p. 5).
3. On May 1, 2024, Petitioner requested a hearing regarding the SER denial (Exhibit A, p. 3).

## 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. MDHHS administers SER pursuant to MCL 400.10 and Mich Admin Code, R 400.7001-.7049.

In this case, MDHHS denied Petitioner's application for SER for assistance with her water/sewer bill because it received information from a Petitioner's local municipality that the account was not in shut-off status, but that the past-due balance would be added to Petitioner's property tax bill. MDHHS acknowledged that this determination was made in error.

To be eligible for SER, individuals must have an emergency which threatens health or safety and can be resolved through the issuance of SER. ERM 101 (March 2013), p. 1. Low-income households who meet all SER eligibility requirements may receive assistance with utility services, including payment of an arrearage to maintain or restore water and sewer services. ERM 302 (December 2022), p. 1. The payment must restore or continue service for at least 30 days at the current residence. *Id.* Payments for current charges are not allowed. *Id.* MDHHS is required to verify the actual or possible shutoff of water or sewer services and can accept a disconnect notice from the utility company or an overdue or delinquency notice when the water or sewer is not disconnected but the arrearage is added to the local tax bill. *Id.*, p. 4.

Here, it is undisputed that Petitioner had a past due water/sewer balance that was added to her tax bill by her local municipality. MDHHS verified this fact with Ewart City Hall and acknowledged that the March 28, 2024 denial was sent in error.

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 MDHHS did not act in accordance with Department policy when it denied Petitioner's application for SER services.

**DECISION AND ORDER**

Accordingly, MDHHS' decision is **REVERSED**.

MDHHS IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reprocess Petitioner's March 15, 2024 application for SER services;
2. If eligible, issue supplemental SER payments to Petitioner or her service providers; and
3. Notify Petitioner of its decision in writing.

LJ/pt

  
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**Linda Jordan**  
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**

Shanna Ward  
Osceola-Mecosta County DHHS  
800 Watertower  
Big Rapids, MI 49307

**MDHHS-Mecosta-Osceola-Hearings@michigan.gov**

**Interested Parties**

BSC3  
J. Mclaughlin  
E. Holzhausen  
MOAHR

**Via First Class Mail:**

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