



GRETCHEN WHITMER  
GOVERNOR

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

MARLON BROWN  
DIRECTOR



Date Mailed: August 27, 2024  
MOAHR Docket No.: 24-007916  
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 August 26, 2024. The Petitioner was self-represented. The Department of Health and Human Services (Department) was represented by Layana Jefferson, Eligibility Specialist and Hearings Facilitator.

### **ISSUE**

Did the Department properly deny Petitioner's State Emergency Relief (SER) application for non-energy related home repairs?

### **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 May 28, 2024, the Department received Petitioner's SER application for assistance with non-energy related home repairs in the amount of \$650.00.
2. Petitioner has verified unearned income from Retirement Survivors Disability Insurance (RSDI) in the amount of \$ [REDACTED] per month and a pension in the amount of \$ [REDACTED] per month.
3. Petitioner does not have any child support, dependent care, or health insurance premiums.
4. On May 28, 2024, the Department issued a State Emergency Relief Decision Notice (SERDN) to Petitioner advising her that her application for non-energy home repairs had been denied because her "income/asset copayment is equal to or greater than the amount needed to resolve the emergency." (Exhibit A, p. 14)

5. On July 8, 2024, the Department received Petitioner's request for hearing disputing the Department's denial of her SER application.

### **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, the Department denied Petitioner's SER application for non-energy home repairs because the amount of her copayment exceeded the amount requested.

The SER program provides assistance to applicants (who meet eligibility criteria) with home repairs in order to correct unsafe conditions or restore essential services. ERM 304 (October 2021), p. 1. Examples of acceptable repairs include electrical, plumbing, waste disposal systems, and water supply systems. ERM 304, p. 3. In all cases, SER group members must use their available income and cash assets to help resolve the emergency. ERM 208 (October 2023), p. 1. Asset copayments are created when an SER group member has cash assets in excess of \$500.00. *Id.* Income copayments for non-energy SER services are created when total combined monthly net income does not exceed the standards found in the SER Income Need Standards for Non-Energy Services Table. *Id.* For a group size of one, the SER Income Need Standard for Non-Energy Services is \$445.00. ERM 208, p. 6. Income that is more than the basic monthly income need standard for the group must be deducted from the cost of resolving the emergency; this is known as the income copayment. *Id.* The total copayment is comprised of the income and asset copayments. ERM 208, p. 2.

Countable income includes the income received or expected to be received within the 30-day period starting with the day of the Application. ERM 206 (April 2024), p. 1. Since Petitioner receives RSDI and a pension, she receives each payment once per month and her total gross income is \$ [REDACTED] (dropping the cents).

After consideration of income, the Department must consider allowable expenses. Policy provides that the Department must deduct from unearned income mandatory withholding taxes, court ordered child support, payments for health insurance premiums, and Medicare premiums which are not reimbursed. ERM 206, pp. 4-5. No evidence was presented of any court ordered child support, dependent care, or health insurance premiums. The State of Michigan pays for Petitioner's Medicare Part B

premium. Petitioner had \$6.91 of state taxes withheld from her pension. Therefore, Petitioner's total income for SER purposes is \$ [REDACTED] (dropping the cents).

Since Petitioner's total net income is greater than the SER Income Need Standard for Non-Energy Services, a copayment of \$901.00 results. The copayment is greater than the amount requested (\$650.00) to resolve Petitioner's emergency. Therefore, the Department properly denied Petitioner's SER application for non-energy home repairs because her copayment exceeded the amount needed.

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 for non-energy home repairs.

### **DECISION AND ORDER**

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

AM/cc



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**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-Macomb-36-Hearings  
BSC4-HearingDecisions  
E. Holzhausen  
J. McLaughlin  
MOAHR

**Via-First Class Mail :**

**Petitioner**

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