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GOVERNOR

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

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DIRECTOR

[REDACTED], MI [REDACTED]

Date Mailed: August 19, 2024
MOAHR Docket No.: 24-008005
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 via telephone conference line on August 15, 2024. Petitioner participated and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by Lori Turner, specialist. [REDACTED] [REDACTED] Petitioner's friend, participated as an Arabic-English translator.

ISSUE

The issue is whether MDHHS properly denied Petitioner's application for State Emergency Relief (SER).

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] [REDACTED] 2024, Petitioner applied for SER for an energy bill arrearage.
2. On June 25, 2024, MDHHS denied Petitioner's application due to LIHEAP funds not being available.
3. On July 3, 2024, Petitioner requested a hearing to dispute the denial of SER.

CONCLUSIONS OF LAW

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. MDHHS policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), Reference Tables Manual (RFT), and Emergency Relief Manual (ERM).

Petitioner requested a hearing to dispute a denial of SER seeking assistance with an energy bill arrearage (aka, SER-Energy). Exhibit A, pp. 3-4. Petitioner applied for SER-Energy on [REDACTED] [REDACTED] 2024. Exhibit A, pp. 13-27. An Application Notice provided a generic reason for denial: Petitioner did not qualify for SER. Exhibit A, pp. 5-6. MDHHS testimony explained that Petitioner's application was denied because SER funds were not available.

Low-income 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. Funding for energy services assistance is provided through the Low-Income Home Energy Assistance Program (LIHEAP). *Id.*

As of June 15, 2024, LIHEAP funding was not available for the remainder of the MDHHS fiscal year. Economic Stability Administration (ESA) Memorandum 2024-22 dated May 31, 2024. The memo goes on to state that LIHEAP funding was depleted every year since 2020, but the federal government always issued a supplement of funds; in 2024, that did not happen. *Id.* The memo recommends that clients to call 211 for potential assistance through other agencies and/or to reapply for SER on October 1, 2024: the beginning of the next fiscal year.

Petitioner testified she is concerned about a physical disability. Petitioner further testified that her electricity is likely to be shut-off before the end of August 2024. Petitioner's testimony was sincere, but ultimately irrelevant to the denial. Given the evidence, MDHHS properly denied Petitioner's SER application due to the absence of LIHEAP funds.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly denied Petitioner's SER application dated [REDACTED] [REDACTED] 2024. The actions taken by MDHHS are **AFFIRMED**.

CG/nr



Christian Gardocki
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
Tara Roland 82-17
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Interested Parties

BSC4
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MOAHR

Via-First Class Mail :

Authorized Hearing Rep.

[REDACTED], MI [REDACTED]

Petitioner

[REDACTED], MI [REDACTED]