



GRETCHEN WHITMER
GOVERNOR

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

MARLON BROWN
DIRECTOR



Date Mailed: September 3, 2024
MOAHR Docket No.: 24-008017
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 28, 2024. The Petitioner was self-represented. The Department of Health and Human Services (Department) was represented by Shavval Barnes, Assistance Payments Worker, and Cathy Burr, Assistance Payments Supervisor.

ISSUE

Did the Department properly deny Petitioner's State Emergency Relief (SER) application for assistance with energy 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 May 2, 2024, the Department received Petitioner's application for assistance with heat and electric after receiving a shut off notice with a balance due of \$636.00.
2. On May 3, 2024, the Department issued a State Emergency Relief Decision Notice (SERDN) to Petitioner advising him that he had been approved for SER non-heat electric but needed to provide verification of a copayment totaling \$40.29 having been paid by May 31, 2024.
3. On May 31, 2024, the Economic Stability Administration (ESA) issued a memorandum indicating that Low Income Home Energy Assistance Payment (LIHEAP) funding for SER assistance with energy related services had been

exhausted. Any application received before June 15, 2024 would be processed according to normal protocols. Any application received on or after June 15, 2024 would be automatically denied for the remainder of the fiscal year.

4. On July 1, 2024, the Department received a second application for SER assistance with heat and electric in addition to a utility invoice showing payment on June 4, 2024 in the amount of \$40.29.
5. On July 3, 2024, the Department issued another SERDN to Petitioner advising him that his application had been denied because funds had been exhausted for the fiscal year.
6. On July 11, 2024, the Department received Petitioner's request for hearing disputing the decisions from the Department regarding his SER eligibility.

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 applications. Petitioner's first application was denied for failure to provide proof of copayment, the second application was denied due to lack of funding for the program. On May 3, 2024, the Department issued an SERDN to Petitioner at his address of record notifying him that he had been approved for payment toward non-heat electric in the amount of \$425.00 but that he had a copayment of \$40.29. It further advised that proof of payment of the copayment was due by May 31, 2024. Petitioner argues he did not receive the SERDN and was only prompted to go to the Department when he got another bill from DTE threatening shut off. At that time, he was advised to go to Kroger down the street, make a payment, and come back with proof which he says he did a couple of days before June 4, 2024. The Department has no record of receiving any verifications from Petitioner at any time until July 3, 2024.

Pursuant to policy, the Department must issue a SERDN to the client for every energy request and include the required payments amount to inform the client of their obligation. ERM 301 (January 2024), p. 9. The Department must also receive verification that a copayment has been paid before the Department may issue payment. *Id.* The Department issued the notice to Petitioner in compliance with policy and it was not returned as undeliverable. Although Petitioner credibly testified that he did not

receive the notice advising him of the copayment, unfortunately, his copayment was made after the due date and policy places the responsibility on the client to ensure that the Department receives the verification by the due date. The Department acted in accordance with policy when it denied Petitioner's first application.


The Department has also acted in accordance with policy in denying Petitioner's second application due to a lack of funding pursuant to ESA Memo 2024-22 dated May 31, 2024, all applications for SER energy assistance received by the Department on or after June 15, 2024 must be denied due to a lack of funding.

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 first application for failure to verify payment of copayment by the due date and his second application due to lack of funding.

DECISION AND ORDER

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

AM/cc



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-Washtenaw-Hearings
BSC4-HearingDecisions
E. Holzhausen
J. McLaughlin
MOAHR

Via-First Class Mail :

Petitioner

[REDACTED]
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[REDACTED] MI [REDACTED]