



GRETCHEN WHITMER
GOVERNOR

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

MARLON BROWN
DIRECTOR



Date Mailed: October 10, 2024
MOAHR Docket No.: 24-009830
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 October 7, 2024. The Petitioner was self-represented. The Department of Health and Human Services (Department) was represented by Johnny Dankwa-Smith, Eligibility Specialist, and Corlette Brown, Hearings Facilitator.

ISSUE

Did the Department properly deny Petitioner's State Emergency Relief (SER) application?

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 June 10, 2024, the Department received Petitioner's application for assistance with gas, electric, and water utility services.
2. On June 12, 2024, the Department issued a State Emergency Relief Decision Notice (SERDN) to Petitioner advising her that the Department would pay \$350 for water, but that she had a \$150.00 copayment, and would pay \$240.13 towards non-heat electric, and \$247.11 towards gas.
3. On August 26, 2024, the Department received Petitioner's request for hearing disputing the 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, Petitioner disputes the Department's denial of her SER application for failure to pay and provide verification of her copayment for water services which also resulted in the non-payment of her gas and electric bills. Petitioner argues that she did not receive the SERDN until after the due date, and that she only included the water portion of the bill on her application at the instruction of someone from DTE but that she was not really concerned about her water bill and really needed assistance with her gas and electric.

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 (June 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 she did not receive the notice advising her of the copayment until after the due date, unfortunately, policy places the responsibility on the client to ensure that the Department receives the verification by the due date. Furthermore, to date, Petitioner has not made the copayment or provided verification to the Department even if there were a policy exception, which there is not. Policy also provides that "[i]f multiple services are requested, the client is only required to pay the copayment on one service. However, the copayment must be paid before any other service is paid." ERM 208 (October 2023), p. 2. Because Petitioner did not make the copayment for water services, no other payments could be made toward her gas or electric bills. In addition, while Petitioner argues that she did not really need assistance with her water bill, the request was still made on the application and the Department was required to process her request in accordance with policy. Therefore, the Department acted in accordance with policy when it denied Petitioner's application.

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 SER application for water, electric, and gas utility services assistance.

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-Wayne-31-Grandmont-Hearings
BSC4-HearingDecisions
E. Holzhausen
J. McLaughlin
MOAHR

Via-First Class Mail :

Petitioner

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