



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

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Date Mailed: December 4, 2024
MOAHR Docket No.: 24-009846
Agency No.: ██████████
Petitioner: ██████████ ██████████

ADMINISTRATIVE LAW JUDGE: Caralyce M. Lassner

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 by telephone on November 4, 2024. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Mallory Manjo, Eligibility Specialist.

ISSUE

Did the Department properly deny Petitioner’s ██████████ 2024 application for State Emergency Relief (SER) assistance for 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 ██████████ 2024, the Department received an application for SER and cash assistance from Petitioner.
2. On August 15, 2024, the Department sent Petitioner a Notice of Case Action (NOCA) that denied her cash assistance due to excess income. (Exhibit A, pp. 16 – 19).
3. On August 14, 2024, the Department sent Petitioner a SER Decision Notice (SERDN) that denied Petitioner assistance for a) energy services due to exhaustion of program funds, and b) relocation assistance due to Petitioner’s withdrawal of request for relocation assistance. (Exhibit A, pp. 10 – 11).

4. On August 21, 2024, the Department received requests for hearing from Petitioner regarding a) the denial of her application for SER, b) the denial of her application for cash assistance, and c) Section 8 housing.

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).

Petitioner requested a hearing regarding a) the denial of her application for SER, b) the denial of her application for cash assistance, and c) Section 8 housing. (Exhibit A, pp. 3 – 8). After the commencement of the hearing, Petitioner testified that she wished to withdraw her requests for hearing regarding cash assistance and Section 8 housing. The undersigned Administrative Law Judge also noted on the record that she has no authority or jurisdiction to address issues related to Section 8.

Petitioner's requests for hearing regarding cash assistance and Section 8 housing were withdrawn on the record and the Department had no objection. Therefore, Petitioner's requests for hearing as to cash assistance and Section 8 are dismissed. Petitioner clarified that her issue regarding SER related to energy services only and she did not dispute that she withdrew her request for relocation assistance. The hearing proceeded to address Petitioner's concerns regarding SER energy services only.

SER

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.

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). ERM 301, p. 1.

As of June 15, 2024, the State of Michigan's LIHEAP funding was exhausted for the remainder of the fiscal year, which ended September 30, 2024. Economic Stability Administration (ESA) Memo 2024-22 (May 31, 2024). SER applications received by the Department on or after June 15, 2024 were automatically denied. ESA Memo 2024-22. The ESA instructed the Department to add a comment to correspondence to inform the household to contact 211 for assistance from another agency with available funds. ESA Memo 2024-22.

In this case, Petitioner applied for SER energy services on [REDACTED] 2024 and the Department issued a SERDN to Petitioner on August 15, 2024 that denied Petitioner's application. (Exhibit A, pp. 10 – 11). Therefore, because LIHEAP funds allocated to the Department were exhausted for the remainder of the State of Michigan's fiscal year at the time of Petitioner's application, the Department properly denied Petitioner's [REDACTED] 2024 application for SER energy services.

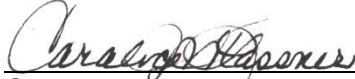
It is noted that although the SERDN did not explicitly inform Petitioner to contact 211 for assistance from another agency, Petitioner testified that she contacted 211 after she received the Department's SERDN. Therefore, any error on the Department's part in that regard had no negative effect on Petitioner.

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 [REDACTED] 2024 application for SER for energy services due to program funds being exhausted.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED** as to SER, and Petitioner's requests for hearing as to cash assistance and Section 8 are **DISMISSED**.

CML/nr



Caralyce M. Lassner
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

Chelsea McCune

Macomb County DHHS Warren Dist.

13041 E 10 Mile

Warren, MI 48089

MDHHS-Macomb-20-Hearings@michigan.gov

Interested Parties

BSC4

J. McLaughlin

E. Holzhausen

MOAHR

Via-First Class Mail :

Petitioner

[REDACTED]

[REDACTED]

[REDACTED] MI [REDACTED]