



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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██, MI ██████████

Date Mailed: December 30, 2024  
MOAHR Docket No.: 24-012217  
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 December 5, 2024. Petitioner appeared and represented himself. The Department of Health and Human Services (Department) was represented by Avery Smith, Assistance Payments Supervisor.

**ISSUE**

Did the Department properly determine Petitioner's State Emergency Relief (SER) copayment amount of \$640.07?

**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 assistance for electric services from Petitioner. Petitioner reported his electric services are provided by DTE. (Exhibit A, pp. 4 – 9).
2. On October 22, 2024, the Department retrieved account information from DTE regarding Petitioner's account balances. The account information reported that Petitioner had a past due balance of \$1,140.07. (Exhibit A, pp. 10 – 11).
3. On October 22, 2024, the Department sent Petitioner a State Emergency Relief Decision Notice (SERDN) that approved Petitioner for electric assistance of \$500, conditioned on Petitioner providing proof of a copayment to DTE in the amount of

\$640.07. Proof of the copayment was due to the Department by November 20, 2024. (Exhibit A, pp. 13 – 15).

4. On October 29, 2024, the Department received a request for hearing from Petitioner disputing his copayment and the total amount due to DTE. Specifically, Petitioner asserted the total amount due to DTE was \$689. (Exhibit A, p. 3).

### **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.

Petitioner requested a hearing to dispute the past due amount owed to DTE and the amount of copayment to be paid by Petitioner to receive assistance from the Department. The Department approved Petitioner for SER assistance of \$500 for electric services subject to a copayment of \$640.07.

The SER program provides assistance to applicants to secure or maintain safe, decent, affordable housing and other essential needs when an emergency situation arises. ERM 101 (March 2013), p. 1. SER assists individuals with overall housing issues, avoiding interruption of utilities due to shut off notices, non-energy home repairs, other housing-related emergencies, and burial expenses. See ERM 100 (October 2024), p. 1 – 3; ERM 209 (June 2024), pp. 1 – 5. SER assistance related to an individual's heat and electricity are considered energy services (EnS). ERM 301 (October 2024), p. 1.

When the Department makes a determination on a client's SER application, a SERDN is issued to notify the client of any required copayment amount and the due date for returning proof of payment to the Department<sup>1</sup>. ERM 208, p. 5. The copayment is the difference between the past due amount and the amount of SER assistance the Department will pay. ERM 103 (October 2024), p. 5; ERM 208, p. 2

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<sup>1</sup> Additionally, a household receiving an SER payment for EnS qualifies for Michigan Energy Assistance Program (MEAP) services and assistance, and the Department's SERDN must inform the applicant that additional services are available through MEAP, specifically including the following language:

[The Department] will only issue one payment for heat and one payment for non-heat electricity between October 1 and September 30 each year. A SER payment for heat or non-heat electricity service qualifies your household for additional energy services through the Michigan Energy Assistance Program (MEAP). Please call 2-1-1 for a referral to a MEAP grantee to see what other assistance you may be eligible to receive.

ERM 301, pp. 2 – 3, 8.

To verify the past due or shut off amount for EnS, the Department must use the account statement obtained through the provider's agency portal. ERM 301, pp. 13 – 14. Here, the Department presented documentation from the EnS provider showing Petitioner's total due was \$1,449.07, which included a past due balance of \$1,140.07. (Exhibit A, pp. 10 – 11). Therefore, the Department properly concluded that the past due amount necessary to resolve Petitioner's EnS emergency was \$1,140.07. Because the maximum amount of SER EnS assistance is \$500 (ERM 301, p. 11), Petitioner is responsible for a copayment of anything over that amount, which is \$640.07 in this case. Therefore, the Department properly determined a copayment of \$640.07 was required before the Department could issue the provider a \$500 payment.

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 determined Petitioner's past due balance was \$1,140.07, and his required copayment of \$640.07.

### **DECISION AND ORDER**

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



CML/nr

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**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**

Tracey Jones

Oakland County Southfield District III

25620 W. 8 Mile Rd

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**MDHHS-Oakland-6303-Hearings@michigan.gov**

**Interested Parties**

BSC4

J. McLaughlin

E. Holzhausen

MOAHR

**Via-First Class Mail :**

**Petitioner**

[REDACTED]

[REDACTED]

[REDACTED], MI [REDACTED]