



Date Mailed: March 13, 2025

Docket No.: 25-006467

Case No.:

Petitioner:

«RECIP_FULL_NAME»
«RECIP_ADD0»
«RECIP_ADD1»
«RECIP_ADD2»
«RECIP_CITY», «RECIP_SPCODE»
«RECIP_POSTAL»

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هذه وثيقة قانونية مهمة. يرجى أن يكون هناك شخص ما يترجم المستند.

এটি একটি গুরুত্বপূর্ণ আইনি ডকুমেন্ট। দয়া করে কেউ দস্তাবেজ অনুবাদ করুন।

Este es un documento legal importante. Por favor, que alguien traduzca el documento.

这是一份重要的法律文件。请让别人翻译文件。

Ky është një dokument ligjor i rëndësishëm. Ju lutem, kini dikë ta përktheni dokumentin.

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; 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 on March 6, 2025. Petitioner appeared for the hearing and represented himself. The Michigan Department of Health and Human Services (MDHHS or Department) was represented by Priya Johnson, Assistance Payments Supervisor.

ISSUE

Did the Department properly process Petitioner's Food Assistance Program (FAP) and benefits?

Did the Department properly deny Petitioner's request for State Emergency Relief (SER) assistance?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Petitioner is an ongoing recipient of FAP benefits.
2. In connection with a redetermination, Petitioner's FAP eligibility was reviewed.

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3. On or around October 1, 2024, Petitioner submitted an application requesting SER assistance with heat and electric services. (Exhibit A, pp. 26-31)
 4. The Department verified the status of Petitioner's DTE (Electric) and Consumers (Heat) accounts using the Online Resources for Agencies (ORA) and determined that Petitioner's past due amount for DTE was \$166.65 and past due amount for Consumers was \$0. (Exhibit A, pp. 32-34, 38-39)
 5. On or around October 1, 2024, the Department sent Petitioner a State Emergency Relief Decision Notice informing him that his request for SER assistance with electric services was approved in the amount of \$166.65. The request for SER assistance with heat services was denied because the request does not meet program requirements. (Exhibit A, pp. 35-36)
 - a. The Department asserted that Petitioner was ineligible for SER assistance with heat because there was no past due amount or shut off of his Consumers account.
 6. On or around January 25, 2025, Petitioner submitted an application requesting SER assistance with heat and electric services. (Exhibit A, pp. 40-45)
 7. The Department verified the status of Petitioner's DTE (Electric) and Consumer's (Heat) accounts using the Online Resources for Agencies (ORA) and determined that Petitioner's past due amount for DTE was \$145.88 and past due amount for Consumers was \$0. (Exhibit A, pp. 47- 48)
 8. On or around January 24, 2025, the Department sent Petitioner a State Emergency Relief Decision Notice informing him that his request for SER assistance with electric services was denied because he has already been approved and is no longer eligible for this type of assistance. (Exhibit A, pp. 57-59)
 9. While the January 24, 2025, SER Decision Notice also advises Petitioner that his request for SER assistance with heat was denied because the total of the income/asset copayment, shortfall and contribution is equal to or greater than the amount needed to resolve the emergency, the Department asserted that Petitioner was ineligible for SER assistance with heat services because there is no past due amount or shut off of his Consumers account. (Exhibit A, pp. 57-59; Exhibit B)
 10. On or around February 4, 2025, Petitioner requested a hearing disputing the Department's actions with respect to his FAP and SER benefits. Petitioner indicated that he disputed the reduction in his FAP benefits from \$291 to \$125. Petitioner included a copy of the January 24, 2025, SER Decision Notice with his request for hearing. (Exhibit A, pp. 3-5)
 11. At the commencement of the hearing, Petitioner testified that his FAP issue has been resolved and that he no longer wants to proceed with the hearing regarding the FAP. Petitioner asserted that his FAP benefits were reinstated and he is satisfied

with the Department's actions. Petitioner confirmed that no promises were made in exchange for his withdrawal. The Department did not object to the withdrawal and presented evidence that Petitioner was approved for \$292 in FAP benefits. The hearing request with respect to the FAP was withdrawn and will be dismissed.

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 disputed the denial of his SER application. Although it was established that Petitioner submitted two applications for SER assistance, one on October 1, 2024, and the second on January 24, 2025, Petitioner included a copy of the January 24, 2025, SER Decision Notice with his February 4, 2025, hearing request and thus, the dispute appeared to be regarding the denial of his January 24, 2025, SER application. Additionally, the SER Decision Notice dated October 1, 2024, advises Petitioner that the Department must receive his appeal within 90 days and thus, Petitioner's February 4, 2025, request for hearing was not timely filed within 90 days of the October 1, 2024, decision notice and cannot be addressed. Petitioner's January 24, 2025, SER application will be addressed below.

Eligible households who meet all SER eligibility requirements may receive assistance to help them with household heat and electric costs. Funding for energy services assistance is provided through the Low-Income Home Energy Assistance Program (LIHEAP). ERM 301 (December 2024), p. 1. A household may receive one SER payment for heat and one SER payment for non-heat electricity, not to exceed the SER cap, for the current fiscal year. Payments are applied to the fiscal year cap based on the SER Service Request Date, not the Benefit Issuance Date. ERM 301, p.1. The fiscal year for heat and electric is October 1 through September 30. ERG Glossary, pp. 5-6.

When the group's heat or electric service for their current residence is in past due status, in threat of shutoff or is already shut off and must be restored, payment may be authorized to the enrolled provider. ERM 301, pp. 3-5. The SER energy request should be processed using the past due or shutoff amount, whichever is the most advantageous. Payment must resolve the emergency by restoring or continuing the service for at least 30 calendar days. Current bills that are not past due or not subject to shutoff should not be included in the amount needed. ERM 301, pp. 3-5. The Department must verify past due status, threatened shutoff or the need for reconnection of natural gas or electricity by using the

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online portal or contacting the energy company. A bill must be obtained before authorizing a payment. The Department will contact the energy company and can use the online resources for agencies to access a client's energy account information online and verify the account statement provided on the website in lieu of an actual bill. If the online statement is used, a copy must be retained in the case record. ERM 301, pp.10-15.

At the hearing, the Department representative testified that Petitioner's January 24, 2025, application for SER assistance with electric services was denied because he was previously approved for assistance with electric services in connection with his October 1, 2024, application. Petitioner did not dispute that the Department had previously approved SER assistance towards his past due electric services with DTE in the amount of \$166.65 in October 2024. Thus, because, at the time of his January 24, 2025, SER application, Petitioner had received one prior SER payment for non-heat electricity within the October 2024 through September 2025, fiscal year, the Department properly denied his January 24, 2025, application for SER assistance with electric services.

With respect to the January 24, 2025, application for SER assistance with heat services, the Department representative testified that although the January 24, 2025, State Emergency Relief Decision Notice indicates that the SER application was denied because the total of the income/asset copayment, shortfall, and contribution was equal to or greater than the amount needed to resolve the emergency, this denial reason is incorrect, as Petitioner was ineligible for SER assistance as there was no past due balance on her account. (Exhibit A, pp. 57-59; Exhibit B).

The Department representative testified that in processing Petitioner's SER application, it reviewed Petitioner's account information online in order to verify the past due amount needed. The Department representative testified that upon review of Petitioner's Consumers account using the online portal, it determined that Petitioner's heat services were not in past due status, not in threat of shutoff, and not already shut off, requiring restoration. The Department presented the documentation obtained from Petitioner's online account through Consumers, which showed that the past due balance was \$0, and that there was no scheduled shut off date. (Exhibit B). Petitioner confirmed that he did not receive a shutoff notice and presented his Consumers Energy statements which showed that his account has a credit and that no payments were required. Specifically, for the bill due on January 6, 2025, the statement indicates amount due -\$207.27 credit do not pay. For the bill due on February 11, 2025, the statement indicates amount due -\$148.90, credit do not pay. (Exhibit B).

Because there was no evidence presented that Petitioner's account with Consumers Energy for his heat services was in past due status, in threat of shut off, or already shut off, 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 January 24, 2025, SER application requesting assistance with heat services.

DECISION AND ORDER

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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 processed and denied Petitioner's January 24, 2025, SER application.

Accordingly, the hearing request with respect to FAP is **DISMISSED** and the Department's SER decision is **AFFIRMED**.

Zainab Baydoun
ZAINAB A BAYDOUN
ADMINISTRATIVE LAW JUDGE

APPEAL RIGHTS: Petitioner may appeal this Hearing Decision to the circuit court. Rules for appeals to the circuit court can be found in the Michigan Court Rules (MCR), including MCR 7.101 to MCR 7.123, available at the Michigan Courts website at courts.michigan.gov. The Michigan Office of Administrative Hearings and Rules (MOAHR) cannot provide legal advice, but assistance may be available through the State Bar of Michigan at <https://lrs.michbar.org> or Michigan Legal Help at <https://michiganlegalhelp.org>. A copy of the circuit court appeal should be sent to MOAHR. A circuit court appeal may result in a reversal of the Hearing Decision.

Either party who disagrees with this Hearing Decision may also send a written request for a rehearing and/or reconsideration to MOAHR within 30 days of the mailing date of this Hearing Decision. The request should include Petitioner's name, the docket number from page 1 of this Hearing Decision, an explanation of the specific reasons for the request, and any documents supporting the request. The request should be sent to MOAHR

- by email to MOAHR-BSD-Support@michigan.gov, **OR**
- by fax at (517) 763-0155, **OR**
- by mail addressed to
Michigan Office of Administrative Hearings and Rules
Rehearing/Reconsideration Request
P.O. Box 30639
Lansing Michigan 48909-8139

Documents sent via email are not secure and can be faxed or mailed to avoid any potential risks. Requests MOAHR receives more than 30 days from the mailing date of this Hearing Decision may be considered untimely and dismissed.

Via Electronic Mail:

Respondent

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