



Date Mailed: March 28, 2025

Docket No.: 25-008153

Case No.: [REDACTED]

Petitioner: [REDACTED]

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

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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 20, 2025. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS or Department) was represented by Jennipher Wheeler, Family Independence Manager.

ISSUE

Did the Department properly deny Petitioner's application for State Emergency Relief (SER) assistance with furnace repair?

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 [REDACTED] 2025, Petitioner applied for SER assistance with furnace repair. Exhibit A, pp. 22-29.
2. On January 21, 2025, the Department sent Petitioner a State Emergency Relief Decision Notice informing her that her request for SER assistance with furnace

repair was denied because the emergency had already been resolved. Exhibit A, pp. 11-12.

3. On February 18, 2025, Petitioner requested a hearing disputing the Department's decision with respect to her SER request. Exhibit A, pp. 4-6.

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 requested a hearing disputing the Department's denial of her SER assistance request with furnace repairs due to the emergency being resolved. At the hearing, it was established that Petitioner submitted an SER application to the Department on [REDACTED] 2025. The Department representative testified that since the furnace repair had already been completed and no emergency was present at the time of Petitioner's SER application, Petitioner's SER application was denied due to department policy.

SER assists with home repairs to correct unsafe conditions and restore essential services. ERM 304 (October 2024), p. 1. Per Department policy, certain conditions must be met before SER can be issued to help individuals and families whose health and safety are threatened. ERM 103 (October 2024), p. 3. The Low-Income Home Energy Assistance Program (LIHEAP) is the funding source for energy-related repairs. Repair or replacement of a non-functioning furnace is currently the only allowable energy-related home repair. The lifetime maximum for energy-related home repairs is \$4,000. ERM 304, p. 2. The eligibility requirements for home ownership services including energy-related home furnace repairs/replacement are outlined in ERM 304, at pp. 1-8.

Additionally, SER provides immediate assistance to deal with a current emergency. ERM 210 (October 2021), p. 1. The SER Glossary defines an emergency as a situation in which immediate action is necessary to prevent serious harm or hardship. Emergency Relief Glossary (ERG) (February 2017), p. 5. Having an emergency which threatens the health or safety of an individual that can be resolved through the issuance of SER is a requirement of receiving assistance. ERM 101 (March 2013), p. 1.

During the hearing, it was established that on or around January 9, 2025, Petitioner's furnace repair/replacement had been completed without the assistance of the SER

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program. While Petitioner asserted that this caused significant hardship for Petitioner and her household because the repairs were made using her own funds that were intended for her mortgage payment, the evidence established that the emergency was resolved with the completion of the furnace repair/replacement. Because the SER emergency has been resolved and reimbursement of services is not covered under SER policy, the Department properly denied Petitioner's SER application.

Policy directs the Department not to issue SER to reimburse expenses incurred or paid without prior department approval and the SER payment must resolve the emergency. ERM 103, p. 3. However, immediate action may be necessary to prevent harm to the SER group members when an emergency arises after hours or on weekends. ERM 103, p. 4. The prior approval requirement may be waived in any case when an emergency occurred while department offices were closed. Policy states that the first-line manager may approve a waiver of the prior approval requirement in non-burial cases, provided a SER application is filed within five business days from the date the emergency began.

Here, it was established by credible testimony from Petitioner that the emergency began on December 31, 2024, with repairs being completed on or about January 9, 2025. Subsequently, Petitioner filed her SER request for furnace repair on January 21, 2025. Exhibit A, pp. 22-29. Petitioner's SER application date would not meet the exception policy noted above because the SER application was submitted three weeks after the emergency began and twelve (12) days after the furnace repairs were completed and the emergency was no longer existing.

DECISION AND ORDER

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 request for SER assistance.

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



L. ALISYN CRAWFORD
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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Interested Parties

BSC4

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MOAHR

Via First Class Mail:

Petitioner

_____ MI _____