



Date Mailed: April 22, 2025

Docket No.: 25-010783

Case No.: [REDACTED]

Petitioner: [REDACTED]

This is an important legal document. Please have someone translate the document.

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

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

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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 April 15, 2025. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS or Department) was represented by Colleen McKenna, Hearing Facilitator. Department Exhibit 1, pp. 1-29 was received and admitted.

ISSUE

Did the Department properly deny Petitioner's State Emergency Relief (SER) application because the emergency had been resolved?

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 January [REDACTED] 2025, Petitioner had her septic system pumped.
2. On January [REDACTED] 2025, Petitioner applied for State Emergency Relief requesting assistance with having her septic system pumped.

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3. On January █ 2025, a State Emergency Relief Decision Notice was sent to Petitioner informing her that SER application was denied because “Your emergency has already been resolved.
 4. On March 14, 2025, Petitioner requested hearing disputing the denial of SER.

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.

Non-Energy Related Home Repairs

Non-energy-related repairs include all home repairs for client owned housing except furnace repair or replacement. Examples include: • Repairs to the basic structure. • Hot water heater. • Septic/waste disposal system. • Doors/windows. • Extermination services. • Electrical. • Plumbing. • Roofs. • Wells/water supply system. • Wheelchair ramps. Authorization for payment is only made if the repair(s) is essential to remove a direct threat to health or safety or is required by law or a mobile home park regulation. The repair(s) must restore the home to a safe, livable condition. ERM 304

In this case, Petitioner had her septic system pumped on January █ 2025. On January █ 2025, Petitioner applied for SER to have her septic system pumped. On January █ 2025, a State Emergency Relief Decision Notice was sent to Petitioner informing her that her application was denied because her emergency had already been resolved. Petitioner acknowledged at hearing that her septic system had been pumped out the day prior to her application. Petitioner explained that she could not wait for the application processing time to have the work done. Policy clearly states that the authorization of the payment is only made if the repair is essential to remove a direct threat to the health or safety or is required by law of a mobile home park regulation. Petitioner’s septic system had already been pumped out, so the repair was not essential to remove a direct threat to health or safety, therefore the Department denial was proper and correct and consistent with Department policy. ERM 304

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

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accordance with Department policy when it denied Petitioner's SER application because the emergency had been resolved.

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



AARON MCCLINTIC
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

GLADWIN COUNTY DHHS

675 E CEDAR AVE STE 2

GLADWIN, MI 48624

**MDHHS-GLADWIN-COUNTY-
HEARINGS@MICHIGAN.GOV**

MCLAUGHLINJ

HOLZHAUSENE

BSC2HEARINGDECISIONS

MOAHR

Via First Class Mail:

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