



Date Mailed: February 14, 2025

Docket No.: 25-002308

Case No.: 131388969

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

HEARING DECISION

On January 6, 2025, Petitioner [REDACTED] requested a hearing to dispute a State Emergency Relief (SER) determination. As a result, a hearing was scheduled to be held on February 12, 2025. Public assistance hearings are held 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; 45 CFR 205.10; and Mich Admin Code, R 792.11002.

The parties appeared for the scheduled hearing. Petitioner appeared with her daughter, [REDACTED] Respondent Michigan Department of Health and Human Services (Department) had Lead Worker Ashley Zielinski appear as its representative. Neither party had any additional witnesses.

Both parties provided sworn testimony, and one exhibit was admitted into evidence. A 29-page packet of documents provided by the Department was admitted collectively as Exhibit A.

ISSUE

Did the Department properly determine Petitioner's SER eligibility?

FINDINGS OF FACT

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

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1. On October 22, 2024, Petitioner submitted an application for public assistance to the Department. In the application, Petitioner requested SER assistance for the following:
 - a. \$801.71 for electricity;
 - b. \$600.00 for water/sewer;
 - c. \$120.00 for cooking gas;
 - d. \$17,404.27 for property taxes;
 - e. \$27,132.00 for burial/cremation expenses; and
 - f. An unspecified dollar amount for home repairs.
 2. Petitioner reported in her application that the burial/cremation expenses were for her brother who died on February 27, 2024, and her mother who died on October 11, 2024. Petitioner reported that the date of her brother's cremation/burial was March 7, 2024, and Petitioner reported that the date of her mother's cremation/burial was October 12, 2024.
 3. Petitioner provided a copy of a utility statement that showed that Petitioner did not have a past due balance for her electric or gas.
 4. Petitioner provided a copy of a water/sewer statement that showed that Petitioner did not have a past due balance for her water or sewer.
 5. Petitioner provided a copy of a Macomb County property tax statement that showed that Petitioner owed \$17,404.27 for property taxes. Petitioner also provided documentation showing that the property was facing tax foreclosure.
 6. On November 20, 2024, the Department mailed a state emergency relief decision notice to Petitioner to notify her of the Department's decision on her application for SER assistance. The decision notice stated, "tax is denied per ERM 304 p. 5 – tax arrearage shall not exceed \$2,000. Water is denied no shut off notice provided or proof rolled into taxes. Burial denied due to no statement of goods and services provided with SER application. CE/gas is denied, no past due shut off notice provided." The decision notice also stated that SER was approved for non-heat electricity. The decision notice stated that the Department would pay \$500.00 towards Petitioner's non-heat electricity once she paid \$29.32 and provided proof of the payment to the Department by November 20, 2024.
 7. On December 5, 2024, Petitioner provided proof to the Department that she paid \$29.32 towards her non-heat electricity, and the Department refused to make its payment because the Department determined that Petitioner did not provide her proof by November 20, 2024, as instructed.

8. Petitioner requested a hearing to dispute the Department's decision.

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 pursuant to MCL 400.10 and Mich Admin Code, R 400.7001-.7049.

ENERGY SERVICES

Low-income households who meet all SER eligibility requirements may receive assistance to help them with household heat and electric costs. ERM 301 (December 1, 2024), p. 1. A household may receive one SER payment for heat and one for non-heat electricity, not to exceed the SER cap for the current fiscal year. *Id.* Payments are applied to the fiscal year based on the application/request date. *Id.* The cap for non-heat electricity is \$500, effective October 1, 2024. *Id.* at 11-12.

The Department reviewed Petitioner's request for SER assistance, and the Department determined that it could approve the \$500 cap for non-heat electricity provided that Petitioner paid a \$29.32 contribution. It is unclear how the Department determined Petitioner's \$29.32 contribution. However, the Department informed Petitioner that she had to pay the contribution by November 20, 2024, to receive the Department's \$500 payment. Petitioner did not have advance notice that she was required to pay a \$29.32 contribution because the Department notified Petitioner that she had to pay the contribution the same day it was due. Petitioner did not provide the Department with proof that she paid the contribution until December 5, 2024, and the Department refused to make the \$500 payment because Petitioner did not provide proof by November 20, 2024.

When a client is responsible for making a payment to receive SER assistance, the Department must receive proof that the client has made the required payment before the Department can make its payment. ERM 208 (October 1, 2024), p. 5. Verification of the payment must be received by the Department within the 30-day eligibility period or no SER payment will be made. *Id.* The application date is the first day of the 30-day eligibility period. ERM 103 (October 1, 2024).

Petitioner applied for SER assistance on October 22, 2024, so that was the first day of Petitioner's 30-day eligibility period. Thus, Petitioner's 30-day eligibility period ended on November 20, 2024. The Department properly determined that Petitioner was required to provide the Department with proof of her payment by November 20, 2024, because

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that was the end of her 30-day eligibility period. Since Petitioner did not provide the Department with proof of her payment by November 20, 2024, the Department could not make its payment. Thus, the Department properly refused to make its payment. Petitioner may reapply for SER assistance with non-heat electricity.

PROPERTY TAXES

SER assistance is available to assist with property taxes to save a home from tax foreclosure, but SER assistance can only be approved when the total amount of the tax arrearage for all years is less than or equal to \$2,000. ERM 304 (October 1, 2024), pp. 4-5. Petitioner requested SER assistance to assist with property taxes to save her home from tax foreclosure, and the total tax arrearage for all years was \$17,404.27. The Department properly denied Petitioner's request because her total tax arrearage for all years exceeded \$2,000.

UTILITY SERVICES

Petitioner requested SER assistance for water/sewer and cooking gas. SER assistance helps restore or prevent shut off of a utility service when service is necessary to prevent serious harm to SER clients. ERM 302 (December 1, 2022), p. 1. SER clients must verify actual or possible shutoff of water, sewer, and cooking gas service to be eligible. *Id.* at 4-5. Petitioner did not provide any proof that her water/sewer or cooking gas were either shutoff/disconnected or at risk of shutoff/disconnection. The Department properly denied Petitioner's request because Petitioner did not verify actual or possible shutoff.

BURIAL EXPENSES

Petitioner requested SER assistance for burial expenses for her brother and her mother. SER assistance is available when a decedent's estate is insufficient to pay for burial and cremation expenses. ERM 306 (October 1, 2024), p. 1. An application for SER assistance for burial expenses must be received within 20 days after the burial or cremation. *Id.* Petitioner reported that the date of her brother's burial/cremation was March 7, 2024, so Petitioner's October 22, 2024, application was submitted too late to obtain SER assistance for her brother's burial/cremation. Thus, the Department properly denied Petitioner's request for assistance for her brother's burial/cremation expenses.

Petitioner submitted her October 22, 2024, application timely to request assistance for her mother's burial/cremation expenses because her mother's burial/cremation was October 12, 2024. For SER assistance to be approved, the case record must contain a statement of goods and services or the equivalent showing an itemization of all services provided and charges and payments made or expected. *Id.* at 10. The Department determined that Petitioner did not provide a statement of goods and services, so the Department denied Petitioner's request. Petitioner disputed that she did not provide a statement of goods and services to the Department, but Petitioner did not provide any proof that she provided a statement of goods and services to the Department, and

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Petitioner did not provide a statement of goods and services for the hearing. Accordingly, based on the evidence presented, the Department properly denied Petitioner's request for assistance for her mother's burial/cremation expenses.

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 properly determined Petitioner's SER eligibility.

IT IS ORDERED the Department's decision is **AFFIRMED**.



JEFFREY KEMM
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. Requests MOAHR receives more than 30 days from the mailing date of this Hearing Decision may be considered untimely and dismissed. 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.

Via Electronic Mail:

Agency/Depart Representative

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44777 N GRATIOT AVE STE A

CLINTON TOWNSHIP, MI 48036

MDHHS-MACOMB-12-HEARINGS@MICHIGAN.GOV

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