



Date Mailed: April 4, 2025
Docket No.: 25-009150
Case No.: [REDACTED]
Petitioner: [REDACTED]

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এটি একটি গুরুত্বপূর্ণ আইনি উকুমেন্ট। দয়া করে কেউ দ্রাবেজ অনুবাদ করুন।

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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; 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 April 2, 2025. Petitioner appeared and represented himself. The Department of Health and Human Services (Department) was represented by Remy Williams, Eligibility Specialist.

ISSUE

Did the Department properly deny Petitioner State Emergency Relief (SER) assistance for energy services (EnS) due to excess income?

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, the Department received an application for SER assistance for EnS from Petitioner. Petitioner reported that he and [REDACTED] (CC) were the only members of his household, and that the only income in the household was earned by CC, who was employed an average of 30 hours per week, paid \$ [REDACTED] per hour, and paid bi-weekly. (Exhibit A, pp. 15 – 21).

2. Petitioner provided the Department with three paystubs for CC. Specifically:
 - a. Check dated January 10, 2025, in the gross amount of \$ [REDACTED],
 - b. Check dated January 24, 2025, in the gross amount of \$ [REDACTED], and
 - c. Check dated February 7, 2025, in the gross amount of \$ [REDACTED].

(Exhibit A, pp. 22 – 24).
3. On February 25, 2025, the Department received a request for hearing from Petitioner that disputed the Department's denial of Petitioner's request for SER assistance, among other things. (Exhibit A, pp. 4 – 6).
4. On February 28, 2025, the Department sent Petitioner a SER Decision Notice (SERDN) that denied Petitioner SER assistance due to excess income. (Exhibit A, pp. 25 – 27).

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).

Petitioner requested a hearing to dispute the Department's denial of Petitioner for Food Assistance Program (FAP) benefits, Medicaid (MA) coverage, and SER. The Department approved Petitioner for FAP and MA and denied Petitioner SER due to excess income.

After commencement of the hearing, Petitioner testified that his issues regarding FAP and MA were resolved prior to hearing. Petitioner requested to withdraw his requests for hearing as to FAP and MA on the record and the Department had no objection. Therefore, Petitioner's request for hearing as to FAP and MA are dismissed and the hearing proceeded to address Petitioner's dispute as to SER only.

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 Department's denial of his application for SER due to excess income.

SER assistance related to an individual's heat and electricity is considered EnS. ERM 301 (December 2024), p. 1. For EnS, all household members are included in the SER group and the Department must budget all household income of the group to determine the group's eligibility. ERM 301, p. 7. To be eligible for EnS, a two-person SER group, such as Petitioner's, must have countable income of \$2,555 or less for the month being tested. ERM 100 (October 2024), p. 4. The SER group's countable income is based on the expected net income for the 30 day period beginning on the day the Department receives the application for SER. ERM 206 (October 2024), p. 1. For purposes of SER, net income from employment or self-employment must be determined by deducting allowable expenses of employment from the gross amount received, such as income taxes, health insurance premiums, and other specific expenses. ERM 206, pp. 5 – 6.

In this case, Petitioner applied for SER assistance for EnS on [REDACTED] 2025 and provided the Department with three of CC's bi-weekly paystubs, all of which were dated at least two weeks prior to Petitioner's application. The Department testified that it counted the gross income of the three paystubs provided and determined that the SER group's countable income was \$ [REDACTED]. However, the Department's calculation a) was not based on the SER group's expected income for the 30 day period beginning on February 21, 2025, and b) was not reduced by any deductions as required by ERM 206. A review of the paystubs provided suggests that CC received a bi-weekly paycheck on February 21, 2025 and, because CC's gross and net income are the same on the paystubs provided, that she may be self-employed. If CC is self-employed, her gross income should have been reduced by 50% for mandatory withholding taxes; if she is not, her gross income should have been reduced by 25% for mandatory withholding taxes. ERM 206, p. 5. Therefore, the Department failed to establish that it acted in accordance with Department policy when it calculated the SER group's income and determined Petitioner had excess income for SER assistance for EnS.

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it denied Petitioner SER due to excess income.

Accordingly, Petitioner's request for hearing as to MA and FAP are **DISMISSED**, and the Department's decision as to SER is **REVERSED**.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reprocess Petitioner's [REDACTED] 2025 SER application for EnS, requesting additional verifications if necessary; and

2. Notify Petitioner of its action in writing.



**CARALYCE M. LASSNER
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:

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