



Date Mailed: April 8, 2025
Docket No.: 25-009166
Case No.: [REDACTED]
Petitioner: [REDACTED]

EMILY GILBERT
219 W CHESTERFIELD ST
FERNDALE, MI 48220

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 উকুমেন্ট। দয়া করে কেউ দ্রাবেজ 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; 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 teleconference on March 27, 2025 and the parties participated jointly by Microsoft Teams from the Michigan Department of Health and Human Services (Department) local office. Petitioner appeared and represented herself. The Department was represented by Julie Berg, Assistance Payments Supervisor.

ISSUE

Did the Department properly deny Petitioner's application for State Emergency Relief (SER) for energy services (ENS)?

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 from Petitioner, requesting assistance for ENS. Petitioner reported:
 - a. Her home address was [REDACTED] (Home Address),

b. Her mailing address was [REDACTED] (Mailing Address),

c. The requested EnS services were not provided at her home and were provided at Mailing address.

(Exhibit A, pp. 9 – 15).

1. On February 13, 2025, the Department sent Petitioner a notice that denied Petitioner SER assistance because the requested services were not for her home. (Exhibit A, pp. 20 – 21).
2. On February 21, 2025, the Department received a request for hearing from Petitioner disputing the denial of her SER application. (Exhibit A, pp. 3 – 5).

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.

Petitioner requested a hearing to dispute the Department's denial of her [REDACTED] 2025 application for SER assistance for EnS. The Department denied Petitioner's application for assistance because the EnS bills were not connected to Home Address.

Low-income households who meet all SER eligibility requirements may receive SER assistance to help them with household heat and electric costs when the individual or household has a past due account or shut-off notice on an energy bill for his or her household. ERM 101 (March 2013), p. 1; ERM 301 (December 2024), p. 1. The applicant's home is the place where the individual keeps their personal belongings and sleeps. ERM 201 (October 2023), p. 1. To verify the past due or shut off amount for EnS, the Department must use the account statement obtained through the provider's agency portal. ERM 301, pp. 13 – 14.

All SER applicants are responsible for providing truthful and complete information to the Department. ERM 102, pp. 1 – 2. However, an applicant for SER must be interviewed by the Department when the household has no other active Department programs that require an interview or there are discrepancies that must be resolved in order to process

the application. ERM 103 (October 2024), pp. 5 – 6. Generally, the purpose of an interview is to explain program requirements to the applicant and to gather information for determining the group's eligibility. See also BAM 115 (October 2024), p. 16.

In this case, Petitioner applied for SER assistance on [REDACTED] 2025 and reported two addresses, Home Address and Mailing Address, and there was no dispute that Petitioner reported that the assistance she requested was not provided at her home address and was provided at Mailing Address. The evidence established that the Department obtained account statements through the EnS provider's agency portal, which were in Petitioner's name and for EnS at Mailing Address.

During the hearing, Petitioner explained that she lives at Mailing Address but reported Home Address, which is her parents' address, as her official address out of habit. The Department testified that it did not interview Petitioner and denied her application for EnS assistance on [REDACTED] based on Petitioner's answers on her application.

Although the Department testified that Petitioner had a pending application for Food Assistance Program (FAP) benefits at the time she applied for SER assistance, there was no evidence that Petitioner was approved for FAP benefits or any other benefits provided by the Department as of either her SER application date of [REDACTED] 2025, or when the Department sent the SERDN on February 13, 2025. Further, the Department testified that Petitioner's FAP application, submitted on [REDACTED] 2025, was registered by the Department under a different case number, ending in 241, and that there was no evidence that the Department was aware of Petitioner's pending FAP application when it denied her application for SER assistance without interviewing her.

Because Petitioner did not have any other active benefits as of February 13, 2025, the Department was required to interview Petitioner in connection with her SER application, and did not do so. ERM 103 (October 2024), pp. 5 – 6. Therefore, the Department failed to establish that it acted in accordance with Department policy when it failed to interview Petitioner before making a determination on her application for SER assistance.

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's application for SER for EnS without an interview.

Accordingly, the Department's decision 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. Redetermine Petitioner's eligibility for SER assistance as requested on her [REDACTED] 2025 SER application, conducting an interview if necessary; and
1. 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.

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- 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
OAKLAND COUNTY DHHS -
SOUTHFIELD DIST
25620 W 8 MILE RD
SOUTHFIELD, MI 48033
MDHHS-OAKLAND-6303-
HEARINGS@MICHIGAN.GOV

Interested Parties
J. MC LAUGHLIN
E. HOLZHAUSEN
BSC4

Via First Class Mail:

Petitioner
[REDACTED]
[REDACTED]



Date Mailed: April 8, 2025
Docket No.: 25-009166
Case No.: 139520763
Petitioner: EMILY GILBERT

OAKLAND COUNTY DHHS - SOUTHFIELD
DIST
25620 W 8 MILE RD
SOUTHFIELD, MI 48033

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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 February 5, 2025, the Department received an application for SER from Petitioner, requesting assistance for ENS. Petitioner reported:
 - a. Her home address was 1642 Mercedes Street, West Bloomfield, Michigan 48324 (Home Address),

- b. Her mailing address was 219 W. Chesterfield Street, Ferndale, Michigan 48220 (Mailing Address),
- c. The requested EnS services were not provided at her home and were provided at Mailing address.

(Exhibit A, pp. 9 – 15).

1. On February 13, 2025, the Department sent Petitioner a notice that denied Petitioner SER assistance because the requested services were not for her home. (Exhibit A, pp. 20 – 21).
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Because Petitioner did not have any other active benefits as of February 13, 2025, the Department was required to interview Petitioner in connection with her SER application, and did not do so. ERM 103 (October 2024), pp. 5 – 6. Therefore, the Department failed to establish that it acted in accordance with Department policy when it failed to interview Petitioner before making a determination on her application for SER assistance.

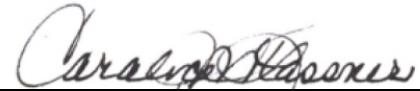
DECISION AND ORDER

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's application for SER for EnS without an interview.

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

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CARALYCE M. LASSNER
ADMINISTRATIVE LAW JUDGE

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Interested Parties
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