



Date Mailed: August 8, 2025

Docket No.: 25-021707

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।

Este es un documento legal importante. Por favor, que alguien traduzca el documento.

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.

[REDACTED] MI [REDACTED]

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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 July 10, 2025. Petitioner appeared and was unrepresented. [REDACTED], son, appeared as a witness for Petitioner and provided interpretation services during the hearing. The Michigan Department of Health and Human Services (MDHHS or Department) was represented by Lori Turner, Eligibility Specialist (ES).

During the hearing proceeding, the Department's Hearing Summary packet was admitted as Exhibit A, pp. 1-27.

ISSUE

Did the Department properly determine Petitioner's eligibility for State Emergency Relief (SER)?

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 for assistance with heat and electricity. (Exhibit A, pp. 12-18)
2. On April 15, 2025, A SER Decision Notice was issued to Petitioner approving the request for assistance with heat and electricity for the dates covered of March 13, 2025 to April 11, 2025. Petitioner was responsible to pay a copayment of \$149.93 for the heat and was to provide a receipt verifying payment no later than April 29, 2025. (Exhibit A, pp. 19-23)
3. On April 21, 2025, Petitioner submitted a receipt documenting his payment of the required copayment that same date. (Exhibit A, pp. 24-26)
4. The Department asserted that Petitioner submitted verification of copayment after the due date based on the end of the dates covered period. (Exhibit A, p. 1; ES Testimony)

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5. On May 29, 2025, Petitioner submitted a hearing request contesting the SER denial. (Exhibit A, pp. 3-9)
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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.

The Department may not authorize a SER payment before a service is provided, or before a SER group has made a required copayment, contribution, prorated or shortfall payment. ERM 401, January 1, 2024, p. 2.

The SER authorization period is 30 days. The authorization period begins on the date the local office receives a signed application for SER or receives an electronic application from MI Bridges and ends 29 days later. ERM 401, p. 2.

Exceptions may be requested at any time for any SER covered service and may be granted for unique and unusual circumstances on a case by case basis by central office only. ERM, 104, October 1, 2022, p. 1.

In this case, on [REDACTED] 2025, Petitioner applied for SER for assistance with heat and electricity. (Exhibit A, pp. 12-18).

On April 15, 2025, A SER Decision Notice was issued to Petitioner approving the request for assistance with heat and electricity for the dates covered of March 13, 2025 to April 11, 2025. Petitioner was responsible to pay a copayment of \$149.93 for the heat and was to provide a receipt verifying payment no later than April 29, 2025. (Exhibit A, pp. 19-23). On April 21, 2025, Petitioner submitted a receipt documenting his payment of the required copayment that same date. (Exhibit A, pp. 24-26).

The Department asserted that Petitioner submitted verification of copayment after the due date based on the end of the dates covered period. (Exhibit A, p. 1; ES Testimony). However, Petitioner would not have been able to submit verification of the copayment being paid prior to the end of the covered period, April 11, 2025, because the notice of the eligibility determination was not issued until April 15, 2025.

The ES reviewed the case comments and found an April 15, 2025 entry acknowledging that the standard of promptness was exceeded for making the eligibility determination. The

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Department was to give Petitioner 14 days to submit verification of paying the copayment and the local office was to then request an exception with the assistance of the SER policy unit. (ES Testimony). Accordingly, the denial of Petitioner's request for SER based on an alleged failure to provide timely verification of paying the required copayment cannot be upheld.

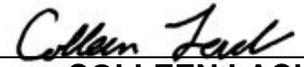
DECISION AND ORDER

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 did not act in accordance with Department policy when it determined Petitioner's eligibility for SER.

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. If they have not already done so, re-determine Petitioner's eligibility for the [REDACTED] 2025 SER application in accordance with Department policy, which may include requesting a policy exception.



COLLEEN LACK
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

WAYNE-GREENFIELD/JOY-DHHS
8655 GREENFIELD RD
DETROIT, MI 48228

MDHHS-WAYNE-17-HEARINGS@MICHIGAN.GOV

Via First Class Mail:

Petitioner

[REDACTED]
[REDACTED] MI [REDACTED]

