



Date Mailed: January 27, 2026
Docket No.: 25-043612
Case No.: [REDACTED]
Petitioner: [REDACTED]

[REDACTED]
MI [REDACTED]

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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.

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Docket No.: 25-043612

Case No.: [REDACTED]

Petitioner: [REDACTED]

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 January 22, 2026. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Arnesia Woods, Eligibility Specialist.

ISSUE

Did the Department properly determine Petitioner's eligibility for State Emergency Relief (SER) assistance 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. Petitioner is a [REDACTED]-year-old single individual who receives Supplemental Security Income (SSI) and State SSI Payments (SSP) and has no other income.
2. Since at least January 1, 2025, Petitioner was an ongoing recipient of Food Assistance Program (FAP) benefits from the Department. From October 1, 2025 to November 30, 2025, Petitioner was approved for \$155 per month in FAP benefits for a one-person FAP group.
3. On [REDACTED] 2025, the Department received a completed application for FAP benefits and SER assistance from Petitioner. Petitioner requested an increase in her FAP benefits and \$353.83 in SER assistance for payment of her heat and electric. Petitioner reported that she pays \$90 per month in rent; is responsible for payment of her heat and other utilities; and has no dependent care, child support, or medical expenses. Petitioner provided a DTE Energy (DTE) bill with her application that reflected a total amount due of \$353.83, which included:
 - a. \$139.46 due by November 7, 2025, to avoid shut off, and
 - b. Current charges of \$158.29, due on November 14, 2025.

(Exhibit A, pp. 8 – 20, 36).

4. On November 12, 2025, the Department retrieved account information from DTE regarding Petitioner's account balance. The account information reported that Petitioner was scheduled for shut off and had a total balance due of \$353.83, which included:
 - a. Current balances of \$113.08 for electric and \$42.64 for gas,
 - b. Past due balances of \$109.58 for electric and \$29.88 for gas, and
 - c. Late fees of \$35.17 for electric and \$23.48 for gas.

(Exhibit A, pp. 26 – 27).

5. On November 12, 2025, the Department sent Petitioner a SER Decision Notice (SERDN) that approved her EnS assistance of \$[REDACTED] for electric and \$[REDACTED] for gas with a \$0 copay. (Exhibit A, pp. 29 – 30).
6. On November 12, 2025, the Department sent Petitioner a Notice of Case Action (NOCA) that increased her monthly FAP benefit to \$182 per month for a one-person FAP group effective December 1, 2025, based on \$[REDACTED] in unearned income, a standard deduction, and payment of housing and heat and utility expenses. (Exhibit A, pp. 21 – 22, 33 – 35).
7. On November 25, 2025, the Department received a request for hearing from Petitioner disputing the Department's determination of her FAP benefit amount and the amount of SER assistance the Department disbursed for EnS on her behalf. (Exhibit A, pp. 3 – 6).

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 amount of SER assistance the Department disbursed for EnS on her behalf. The Department approved Petitioner for EnS assistance of \$[REDACTED] for electric and \$[REDACTED] for gas with \$0 copay, and disbursed payments in those amounts directly to DTE.

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As a preliminary matter, although Petitioner also requested a hearing regarding the amount of her monthly FAP benefit effective December 1, 2025, she testified that her dispute as to that issue was resolved and requested to withdraw that portion of her request for hearing. The Department had no objection. Therefore, Petitioner's request for hearing as to FAP was dismissed and the hearing proceeded to address her dispute as to SER only.

The SER program provides assistance to applicants to secure or maintain safe, decent, affordable housing and other essential needs when an emergency situation arises. ERM 101 (March 2013), p. 1. SER assistance related to an individual's heat and electricity are considered energy services (EnS). ERM 301 (October 2025), p. 1. When a SER group's heat or electric service for their current residence is in past due status, in threat of shutoff, or is already shut off and must be restored, the Department may issue payment to the EnS provider on the client's behalf. ERM 301, p. 3.

Payments for EnS are made for past due amounts or shut-off amounts only, whichever is the most advantageous to the client, and the payment must resolve the emergency by restoring or continuing the service for at least 30 calendar days. ERM 301, p. 3; Mich Admin Code R 400.7031(1). Current bills that are not past due or subject to shutoff are not included in the amount needed to resolve the emergency. ERM 301, p. 3; Mich Admin Code R 400.7031(1). Additionally, payments to DTE for EnS may not include late payment charges because DTE is regulated by the Michigan Public Service Commission (MPSC) and may not assess a late payment charge against a customer whose payment is being made by the Department through SER or the Michigan Energy Assistance Program (MEAP)¹. ERM 301, p. 6. 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. ERM 301, 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, p. 11. Here, the Department presented documentation from the EnS provider showing Petitioner's total amount due was \$353.83, which was not disputed by Petitioner. However, of the \$353.83 total, the record established that the past due balance for Petitioner's electric and gas were \$109.58 and \$29.88, which totaled \$139.46, and was the same amount required to avoid shut-off of Petitioner's EnS. (Exhibit A, p. 36), ERM 301, p. 3. Although Petitioner asserted that the Department should have approved her for the total \$353.83 due on her account, her current charges were not past due and there was no evidence that they were subject to shut off. Therefore, the Department properly concluded that the past due amount necessary to resolve Petitioner's EnS emergency was \$ [REDACTED] and authorized payment in that amount to DTE on her behalf.

However, a household that receives an energy-related SER payment for services covered in ERM 301, qualifies for MEAP services and assistance, and the Department

¹ <https://www.michigan.gov/mpsc/consumer/energy-assistance> (Last accessed January 22, 2026).

must inform the client that those additional services are available. ERM 301, p. 2. Specifically, the Department must include the following comment on each SERDN when EnS has been approved or denied:

[The Department] will only issue one payment for heat and one payment for non-heat electricity between October 1 and September 30 each year. Please call 2-1-1 to see what other assistance you may be eligible to receive.

ERM 301, pp. 2 – 3; see also ERM 203 (October 2018), p. 2.

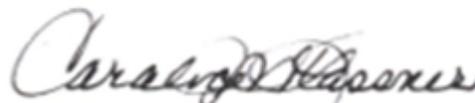
There was no evidence that the Department informed Petitioner of her eligibility for MEAP services and assistance or included the required comment on the SERDN issued to her. However, although the Department did not act in accordance with policy when it failed to include the required language in the SERDN, as explained previously, the Department's determination of her eligibility for SER for EnS was proper. Therefore, Petitioner is advised that she may be eligible for MEAP assistance and may pursue such assistance through MEAP.

It is noted that Petitioner also expressed concern that the Department decreased her FAP benefits effective January 1, 2026, and the Department testified that it sent her a NOCA regarding the decrease on December 6, 2025. However, because the Department's action was taken after Petitioner's request for the instant hearing and the record was insufficient to provide her a fair hearing on the matter, she was advised that she may request a hearing regarding that action in accordance with the Hearing Rights section of the NOCA if she wishes to do so.

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 accordance with Department policy when it determined the amount necessary to resolve Petitioner's EnS emergency was \$ [REDACTED] and authorized payment in that amount to DTE on her behalf.

Accordingly, Petitioner's request for hearing as to **FAP** is **DISMISSED** based on her withdrawal, and the Department's decision as to **SER** is **AFFIRMED**.



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:

Respondent

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Via First Class Mail:

Petitioner

[REDACTED]
[REDACTED]
[REDACTED] MI [REDACTED]