

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED]

Claimant

Reg. No: 2008-29227

Issue No: 5016

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

October 21, 2009

Livingston County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37 upon claimant's request for a hearing. After due notice, a hearing was held on October 21, 2009. Claimant appeared and testified.

ISSUE

Did the Department of Human Services properly deny Claimant's State Emergency Relief (SER) application for payment of her propane bill?

FINDINGS OF FACT

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

- (1) On July 16, 2008, Claimant dropped off information at the Department involved in a request for State Emergency Relief (SER).
- (2) On July 29, 2008, Claimant submitted a completed application for State Emergency Relief (SER) Energy Services.

(3) On July 29, 2008, State Emergency Relief (SER) services for Claimant electric bill were approved and payment for propane was denied because the address on the propane bill which was Claimant submitted, was not Claimant's address.

(4) On August 14, 2009, Claimant submitted a request for hearing and a different statement from the propane delivery company that showed the delivery was to Claimant's address.

CONCLUSIONS OF LAW

The State Emergency Relief (SER) program is established by 2004 PA 344. The SER program is administered pursuant to MCL 400.10, *et seq.*, and by final administrative rules filed with the Secretary of State on October 28, 1993. MAC R 400.7001-400.7049. Department of Human Services (DHS or department) policies are found in the State Emergency Relief Manual (SER).

In this case, Claimant submitted a State Emergency Relief (SER) application for payments on her electric bill, garbage bill, and for propane. The Department denied payment for the propane because the bill that was submitted was not for Claimant's address. After the propane charges were denied, and Claimant submitted her request for hearing she also submitted a different statement from the propane delivery company that showed the delivery was to Claimant's address. The additional statement also said the delivery date was May 14, 2008, two months before Claimant sought State Emergency Relief (SER) services. The additional statement also stated that if the bill was not paid the account would be placed on a cash before delivery basis. Department policy in effect at the time provided the following guidance for case workers. The Department's current policies are available on the internet through the Department's website.

ERM 301 ENERGY SERVICES

DEPARTMENT POLICY

Low-income households who meet eligibility requirements in this item can receive assistance to help them meet their household heat and electric costs. Funding for energy services assistance is through the Low Income Home Energy Assistance Program (LIHEAP).

COVERED SERVICES

Heating, Electric or Deliverable Fuels

When the group's heating or electric service for their current residence is or will be shut off, or payment is necessary to restore service, authorize payment for the shutoff or restoration amount to the provider up to the fiscal year cap. Payment must restore or continue the service for at least 30 days: however payments for current charges are not allowed. Also, pay the necessary charges to deliver a 30-day supply of a deliverable fuel. A full tank is considered a 30-day supply.

Even though the evidence exists to show that the propane was delivered to Claimant's address, Claimant did not have an energy services emergency eligible for assistance under the Department's policy. Claimant still had propane.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly denied Claimant's State Emergency Relief (SER) application for payment of her propane bill.

It is ORDERED that the actions of the Department of Human Services, in this matter, are UPHELD.

/s/ _____
Gary F. Heisler
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: November 4, 2009

Date Mailed: November 19, 2009

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

GFH 

cc:

