

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.: 2009-14321
Issue No.: 5100
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
August 27, 2009
Wayne County DHS (58)

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a telephone hearing was held on August 27, 2009. The Claimant appeared and testified. [REDACTED] and [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department properly denied the Claimant's State Emergency Relief ("SER") application?

FINDINGS OF FACT

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

1. The Claimant filed an application for SER benefits for heat and electric on December 30, 2008.
2. Claimant was categorically eligible for SER benefits.

3. Department worker contacted [REDACTED] on January 2, 2009 inquiring whether payment of \$550 would restore electrical service. [REDACTED] refused.
4. The Department denied SER benefits for electric on January 2, 2009 due to the payment not resolving the emergency.
5. On January 14, 2009, the Department received the Claimant's Request for Hearing dated January 11, 2009 protesting the denial of the SER application.

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. The Department of Human Services' [formally known as the Family Independence Agency] policies are found in the State Emergency Relief Manual ("ERM").

State Emergency Relief ("SER") prevents serious harm to individuals and families by assisting applicants with safe, decent, affordable housing and other essential needs when an emergency situation arises. ERM 101, p. 1. The standard of promptness for a SER application is 10 days beginning with the date of application. ERM 103, p. 4. Low-income households who meet eligibility requirements may receive assistance to help them meet their household heat and electric costs. ERM 301, p. 1. Payments are authorized when the group's heating or electric service for their current residence is, or will be, shut off, or when payment is necessary to restore services. ERM 301, p.1. SER payments are not authorized unless the group's required payments are made during the 30-day authorization period. ERM 301, p. 5.

In this case, the Claimant filed a State Emergency Relief application seeking assistance for heat and utility services. Claimant was categorically eligible. When the worker contacted

█ she was informed that payment of \$550 would not restore electrical service. Since █ would not accept the payment and payment would not have restored service and resolved the emergency, the department properly denied the application. ERM 301 pg.3

Based upon the foregoing facts and relevant law, it is found that the Department's determination is AFFIRMED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department properly calculated the Claimant's SER co-payment.

Accordingly, the Department's denial of SER benefits is AFFIRMED.

/s/

Aaron McClintic
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 09/03/09

Date Mailed: 09/03/09

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 receipt 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.

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