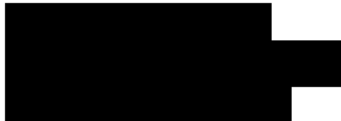


STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF THE CLAIM OF:



Reg. No.: 2009 21916
Issue No.: 5016
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: June 23, 2010
Wayne County DHS (35)

ADMINISTRATIVE LAW JUDGE: Michael Bennane

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 June 23, 2010. The claimant appeared and testified.

ISSUE

Did the Department properly figure the claimant's shortfall and co-payment for State Emergency Assistance (SER) to pay utilities?

FINDINGS OF FACT

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

1. On March 25, 2009, the claimant filed an application for utilities.
2. On April 3, 2009, the department calculated the claimant's shortfall to be \$828.00. (Department exhibit 2).
3. On April 1, 2009, the claimant filed a request for a hearing.

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 (formerly known as the Family Independence Agency) policies are found in the State Emergency Relief Manual (SER).

If an application is made for shelter, heat, electricity or utilities, a determination of required payments must be made. See [ERM 204](#), [ERM 301](#), [ERM 302](#), [ERM 303](#), [ERM 304](#). If a short fall amount is determined due to unmet required payments, verification that the shortfall has been paid must be received before any SER payment can be made. (ERM 208, pp.2-3).

Here, the claimant's total shortfall of \$828.00 consisted of payments that had not been made over the last six months.

Good Cause

If required energy payments have not been met, determine if good cause for non-payment exists. See [ERM 204](#), Client-Caused Emergencies. Unmet required payments are also referred to as a shortfall.

If the group fails to meet good cause criteria, give them the opportunity to make required payments.

Payments

Do not make an SER payment if the group's required payments are not made during the 30-day authorization period. Failure to make required payments may result in a shortfall. Do not issue an SER payment until the client verifies the shortfall is paid or there is a commitment to pay by another agency or organization. (ERM 301, p. 5)

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Here the claimant testified that she "didn't have the money to pay the shortfall." This ALJ finds that the department was correct in calculating the payments necessary by the claimant.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, AFFIRMS the Department's decision.



Michael Bennane
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: 6/30/2010

Date Mailed: 6/30/2010

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.

MJB/jlg

cc:

