

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: 2009-27017
Issue No: 5016
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
June 10, 2010
Ingham County DHS

ADMINISTRATIVE LAW JUDGE: Steven M. Brown

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 telephone hearing was conducted from Lansing, Michigan on June 10, 2010.

ISSUE

Whether the Department properly computed Claimant's State Emergency Relief (SER) eligibility?

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 March 24, 2009, Claimant completed and filed an application for SER benefits. (Exhibits 4-8)
2. On May 6, 2009, the Department contacted [REDACTED] for current balance information in order to determine eligibility. The past due amount was \$1003.87 and the

total amount due was \$1193.80 (electricity \$1010.12, water, \$68.20 and sewer \$115.48).
(Exhibit 2)

3. On May 15, 2009, the Department mailed Claimant a State Emergency Relief Decision Notice which explained Claimant's request for assistance had been approved with Claimant required to pay \$643.80 and the Department would, in turn, pay \$550.00. (Exhibit 1)

4. Capital Area Community Service (CACS) paid \$600 toward Claimant's \$643.80 requirement and Claimant paid the \$43.80 balance. The Department paid \$550.00.

5. On May 20, 2009, the Department received the Claimant's hearing request.

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).

Low-income households who meet eligibility requirements in this item can receive assistance to help them meet their household heat and electric costs. When the group's heating or electric service for their current residence is in threat of or is already off and service must be restored, payment may be authorized to the provider up to the fiscal year cap. SER helps to restore or prevent shut off of a utility service specified in this item when service is necessary to prevent serious harm to SER group members.

Payment must resolve the emergency by restoring or continuing the service for at least 30 days. The Fiscal Year Cap is \$550.00. ERM 301, 302

In the instant case, Claimant's main complaint was the Department's delay in processing her SER application required her to pay a higher co-payment. Specifically, the March 16, 2009 bill she submitted to the Department was for only \$662.48. Had her application been process timely, the [REDACTED] would have presumably paid \$112.48 and the Department \$550.00 and, therefore, she would have had no out of pocket costs. In addition, Claimant testified that she MIGHT have had to put down a \$150.00 deposit as a result of the Department's delay.

The Department did not contest the fact that it did not timely process Claimant's SER application. However, while Claimant presented a March 16th bill, she did not apply file for SER benefits until March 24th. When the Department called the [REDACTED] on March 25th, the total amount due was \$958.99. The total amount due when the Department processed Claimant's application 6 weeks later was \$1193.80, the difference being a result of mostly usage.

Despite the delay, the Department must still process the SER application so that any payment resolves the emergency and it is still limited to the fiscal year cap of \$550.00. With that said and, based on the testimony and documentation offered at hearing, I find that the Department established that it acted in accordance with policy in computing Claimant's SER eligibility.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department acted in accordance with policy in computing Claimant's SER eligibility.

Accordingly, the Department's SER eligibility determination is AFFIRMED, it is SO ORDERED.

/s/ _____
Steven M. Brown
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: June 30, 2010

Date Mailed: June 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 60 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.

SMB/tg

cc:

