

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: 2010-11463
Issue No: 6666
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
July 21, 2010
Ingham County DHS

ADMINISTRATIVE LAW JUDGE: Jay W. Sexton

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 three-way telephone hearing was held on July 21, 2010 in Lansing and Grand Rapids. Claimant appeared by telephone from Grand Rapids.

The Kent County DHS was represented by Holly Pasiwozik (ES). Ingham County DHS was represented by Jeri Messeroll (AP Supervisor).

The Administrative Law Judge appeared by telephone from Lansing.

ISSUE

Did the department correctly process claimant's SER application for utility benefits?

FINDINGS OF FACT

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

- (1) Claimant is an SER applicant.

(2) On September 9, 2009, [REDACTED] turned off claimant's gas services due to nonpayment of claimant's bill.

(3) On September 9, 2009, the [REDACTED] turned off claimant's electric and water services due to claimant's nonpayment.

(4) On October 2, 2009, claimant applied in Lansing for SER benefits to restore her utilities.

(5) Ingham County DHS processed claimant's SER application as follows:

Client's Copay	[REDACTED]	[REDACTED]	[REDACTED]
	\$135.65	\$221.05	\$486.50
DHS Payments	\$550.00	\$550.00	\$175.00

(6) Claimant made the required SER copayments.

(7) On November 12, 2009, Ingham County DHS paid the amounts listed in Paragraph #5 to each utility.

(8) Ingham DHS acknowledges that the department did not process claimant's SER application in compliance with the SER standard of promptness.

(9) Claimant thinks that Ingham DHS should pay her hotel bills which she incurred because her utilities were cut off due to the department's slow response to claimant's SER approval.

(10) The DHS is unable to pay damages to claimants who incurred extra expenses due to nonpayment of their utility bills.

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).

The SER department manuals provide that the department may pay specified amounts for utility shut offs if the client pays a specified copayment. ERM 102, 103, 204, 206, 301, and 302.

In claimant's case, the specified copayments were the gas, electric and water amounts that are listed above in Paragraph #5.

Although the department did not process claimant's application promptly, it did make the maximum SER payments possible, in accordance with SER policies, for claimant's gas, electric and water bills.

The department's manuals do not authorize the payment of damages for claimants who fail to pay their utility bills when due.

While it is unfortunate that the department did not process claimant's SER application according to the standard of promptness, the department is currently under staffed and swamped with applications. Under these circumstances, the department provided claimant with the correct SER services on November 12, 2009.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly issued SER utility payments for claimant's gas, electric and water shut offs on November 12, 2009.

Therefore, the department's action is, hereby, AFFIRMED.

SO ORDERED.

/s/

Jay W. Sexton
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: July 29, 2010

Date Mailed: July 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 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.

JWS/tg

cc:

