

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

IN THE MATTER OF:



Reg. No: 201026357
Issue No: 5016, 5034
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
October 19, 2010
Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on December 1, 2009. After due notice, a telephone hearing was held on Tuesday, October 19, 2010.

ISSUES

Whether the Department of Human Services (Department) properly determined the Claimant's eligibility for State Emergency Relief (SER) benefits for unpaid water bills?

Whether the Department of Human Services (Department) properly determine the Claimant's eligibility for State Emergency Relief (SER) benefits under the Direct Support Services Program for assistance with automobile repairs?

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 submitted an application for SER benefits for assistance with her water bills.
2. On November 23, 2009, the Department denied the Claimant's SER application for her water bills because there was no present emergency situation.
3. The Claimant submitted an application for SER benefits under the Direct Support Services Program for assistance with automobile repairs.

4. On November 23, 2009, the Department denied the Claimant's SER application under the Direct Support Services Program for failing to meet the program requirements.
5. The Department received the Claimant's request for a hearing on December 1, 2009, protesting the denial of her SER applications for assistance with her utility bills and her automobile repairs.

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. Family Independence Agency (FIA or agency) policies are found in the State Emergency Relief Manual (ERM).

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. ERM 302.

The following are covered utility services:

- Payment of an arrearage to maintain or restore service for the following utilities: water, sewer or cooking gas. The payment must restore or continue service for at least 30 days at the current residence. However, payments for current charges are not allowed.
- A deposit (including membership fees and lease/rental payments for an on-site storage tank) required by the utility provider to begin, maintain, or restore one of the following services currently or previously the responsibility of the SER group: water, sewer and cooking fuel.
- Fees for connection, reconnection, or hookup of utility services. ERM 302.

The Department must verify an actual or possible shutoff of water, sewer or cooking gas service by:

- A disconnect notice from the utility.
- Information from the utility provider's secure Web site.
- An overdue or delinquency notice when the water or sewer is not disconnected but the arrearage is added to the local tax bill.
- The client's statement of need for cooking fuel.

In this case, the Claimant submitted a SER application for assistance with her unpaid water bill. No evidence or testimony was presented at the hearing showing that the Claimant's water provider had shutoff or threatened to shutoff her water service. Therefore, the Department has established that the Claimant was not eligible for SER benefits because there was no emergency situation present.

The Claimant submitted an SER application under the Direct Support Services Program for assistance with her automobile repairs. The law, MCL 24.278(2) provides that a disposition may be made of a contested case hearing by stipulation or agreed settlement. Prior to the closure of the hearing record, the Department agreed to redetermine the Claimant's eligibility for benefits under the Direct Support Services Program. Therefore, it is not necessary for the Administrative Law Judge to decide the matter that was in dispute. Pursuant to MAC R 400.906 and 400.903, claimant's hearing request is HEREBY DISMISSED, because claimant is no longer aggrieved by a department action.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department properly denied the Claimant's SER application for assistance with her water bills because there was no emergency situation present.

The Department's SER eligibility determination for utility assistance is AFFIRMED. It is SO ORDERED.

The Administrative Law Judge based on the agreed upon settlement ORDERS that Claimant's hearing request concerning her SER application under the Direct Support Services Program is DISMISSED; and the department shall initiate a determination of the Claimant's eligibility for SER benefits.

____/s/

Kevin

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

Date Signed: October 26, 2010

Date Mailed: October 27, 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.

KS/alc

cc:

