

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201033617

Issue No: 5100

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

August 25, 2010

Eaton 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 February 10, 2010. After due notice, a telephone hearing was held on Wednesday, August 25, 2010.

ISSUE

Whether the Department of Human Services (Department) properly determined the Claimant's State Emergency Relief (SER) eligibility?

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 applied for SER benefits on January 11, 2010. Department Exhibit 2.
2. The Department issued the Claimant a SER payment of [REDACTED] for heat/ deliverable fuel on January 21, 2010. Department Exhibit 6.
3. The Claimant has an outstanding balance with her gas provider of [REDACTED] Department Exhibit 5.

4. The Claimant's gas provider required the Claimant purchase a minimum of 200 gallons of gas at a cost of [REDACTED] before it would deliver additional gas. Department Exhibit 5.
5. The Department approved the Claimant's SER application on February 3, 2010, with a client co-payment of [REDACTED]. Department Exhibit 2 – 3.
6. The Department received the Claimant's request for a hearing on February 20, 2010, protesting the amount of the client co-payment.

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 (SER).

Low-income households who meet eligibility requirements in this item can receive assistance to help them meet their household heat and electric costs. Funding for energy services assistance is provided through the Low Income Home Energy Assistance Program (LIHEAP). ERM 301. Energy service benefits are available for qualified SER applicants up to the fiscal year payment limit, which is \$850 for deliverable fuel. ERM 301.

The Claimant submitted a SER application on January 12, 2010. The Department approved the Claimant for SER benefits with a client co-payment of [REDACTED].

The Department made a collateral contact with the Claimant's gas provider on February 3, 2010. The Claimant owed a balance of [REDACTED] to her gas provider and would be required to purchase a minimum of 200 gallons of fuel at a cost of [REDACTED] to receive a delivery.

The Claimant's need of [REDACTED] was determined by adding her balance to the minimum gas purchase to the balance owed to the gas provider. The fiscal year payment limit for deliverable fuel is [REDACTED], and the Claimant's payment limit had been reduced by a prior SER payment of [REDACTED] on January 21, 2010. The Claimant's required co-payment of [REDACTED] was determined by subtracting the remaining payment limit of [REDACTED] from the Claimant's need of [REDACTED].

The Claimant argued that she did not owe anything to her gas provider when she submitted her SER application. The Claimant testified that her gas provider requires payment before it will deliver fuel and therefore she could not owe any balance.

The Claimant did not provide any evidence that there was not an outstanding balance on her account with her gas provider.

Based on the evidence and testimony available at the hearing, the Department has established that it properly determined the Claimant's required co-payment to receive SER benefits.

DECISION AND ORDER

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

The Department's FAP eligibility determination is AFFIRMED. It is SO ORDERED.

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

Date Signed: September 10, 2010

Date Mailed: September 13, 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/vc

cc:

