

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: 2010-44572
Issue No: 5017
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
September 8, 2010
Cass County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne L. Morris

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 held on September 8, 2010. The claimant personally appeared and provided testimony.

ISSUE

Did the department properly deny the claimant's State Emergency Relief (SER) application in April, 2010?

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 assistance with furnace repairs on April 16, 2010. (Department Exhibit 9 – 11)
2. The claimant presented a receipt showing the repair had already been completed on December 11, 2009. (Department Exhibit 8)

3. The department denied the claimant's request on April 23, 2010. (Department Exhibit 5)

4. The claimant submitted a hearing request on April 28, 2010.

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).

Approval

Certain conditions must be met before SER can be issued to help individuals and families whose health and safety are threatened:

- . Prior written or oral approval must be given by an authorized department staff person before SER issuance. Do not issue SER to reimburse expenses incurred or paid without prior department approval.
- . The SER payment must resolve the emergency.
- . The group must meet all applicable policy requirements for the SER service. ERM, Item 103, p. 2.

The claimant is disputing the denial of her SER application for assistance with furnace repair. The claimant submitted a bill showing work was completed on the furnace on December 11, 2009 in the amount of \$649. However, the claimant did not apply for the SER assistance until April 16, 2010.

Department policy indicates that prior written or oral approval must be given by an authorized staff person before SER issuance. Policy states “[d]o NOT issue SER to reimburse expenses incurred or paid without prior department approval.” ERM 103. The claimant does not dispute that she didn't apply for SER assistance until April 16, 2010. The claimant testified that

she began calling her department worker in October, 2009 to find out what assistance she might be able to get with her furnace. The claimant testified that she never received any telephone call from the department worker and did not know to file an SER application.

The claimant did not receive any oral or written approval for the furnace repair prior to having the work completed. The claimant did not submit an application for the furnace repair until April, 2010. This was four months after the work was completed. The claimant had the ability to submit an application for SER services prior to the work being completed. The claimant was on DHS assistance prior to this time, so she should have been aware there was an application process.

Department policy forbids the department from approving SER requests for expenses incurred prior to department approval. Thus, the department was unable to approve the claimant's request for SER assistance with the furnace repair.

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 furnace repair.

Accordingly, the department's decision is UPHELD. SO ORDERED.

/s/ _____
Suzanne L. Morris
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: September 9, 2010

Date Mailed: September 14, 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.

SLM 

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