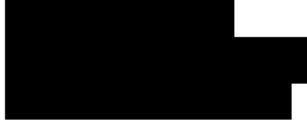


STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No.: 2010-44748
Issue No.: 5016
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: October 28, 2010
Wayne County DHS (76)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the claimant's request for a hearing. After due notice, a telephone hearing was held on October 28, 2010. The claimant appeared and testified.

ISSUE

Did the Department properly deny the Claimant's application for State Emergency Relief (SER)?

FINDINGS OF FACT

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

1. On January 7, 2009, and on January 12, 2010, the Claimant applied for and SER to pay utility costs.
2. On January 16, 2010, the department denied the claimant's SER application because the claimant failed to provide the department with income and expense documentation.
3. On January 7, 2010, the Claimant filed a request for a hearing.

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-

2201044748/MJB

7049. Department of Human Services (formerly known as the Family Independence Agency) policies are found in the State Emergency Relief Manual (SER).

CATEGORICAL ELIGIBILITY

Categorical eligibility for energy assistance and energy-related home repairs was introduced in Interim Program Policy Bulletin 2005-014 effective October 1, 2005.

Initial Requirements

Cases must meet the following requirements in order to be determined categorically eligible:

All SER group members must be active on the applicant's FIP, FAP or SSI case.

The name on the energy account bill must match the head of household name or the head of household's spouse's name. It is not sufficient to be in the name of a living-together partner. The spouse must be active on the head of household's case. There may be other names on the account, in addition to the head of household's name.

The case address must match the account service address.

There must be no disqualified members on the case, except for ineligible aliens.

The case head of household must not be an ineligible or minor (not just minor parent) head of household. Supplemental Security Income (SSI) cases for minor children are not considered categorically eligible.

The fuel type must be correct for the type of payment requested.

The case must not be overdue for redetermination.

All other SER criteria such as application processing, pursuit of potential resources, etc. must also be met. (ERM 301, pp. 2-3)

3201044748/MJB

Under ERM 301 the claimant must provide documentation of household size and income. The claimant did not provide that information.

This ALJ finds that the Department correctly denied the SER because the claimant failed to supply the department with the information requested.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, AFFRIMS the Department's decision.



Michael J. Bennane
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: 11/17/2010

Date Mailed: 11/17/2010

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.

MJB/jlg

cc:

