

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: 201044922

Issue No: 5016

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

September 8, 2010

Genesee 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 April 26, 2010. After due notice, a telephone hearing was held on Wednesday, September 8, 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. On April 7, 2010, the Claimant applied for SER for assistance with his water and Consumer's energy bills, electric and natural gas. Department Exhibit 1.
2. The Claimant submitted a copy of a shut off notice for electricity and natural gas with an outstanding balance of [REDACTED]. Department Exhibit 2.
3. The Claimant submitted a copy of a shut off notice for water service with an outstanding balance of [REDACTED]. Department Exhibit 3.
4. The Department approved the Claimant's SER application with a client co-payment totaling [REDACTED]. Department Exhibit 4.

5. The Department received the Claimant's request for a hearing on April 26, 2010, protesting the client co-payment determination.

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).

SER helps to prevent a utility service shut off 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 will assist with payments for water services up to the fiscal year cap of \$175 if it will resolve the emergency and if the provider will maintain or restore service for at least 30 days. ERM 302.

Low-income households who meet eligibility requirements can receive assistance to help them meet their household heat and electric costs when the group's heating or electric service for their current residence is in threat of or is already off and service must be restored. ERM 301. The Department will authorize payments to the provider up to the fiscal year cap of \$550 if it will resolve the emergency. ERM 301.

In this case, the Claimant submitted a SER application after receiving shut off notices for water, electric, and natural gas. The Claimant has outstanding bills of [REDACTED] for water service, and [REDACTED] for natural gas and electricity.

The Department determined the Claimant's co-payment of [REDACTED] for water service by subtracting the Department's fiscal year cap amount of \$175 from the Claimant's outstanding bill of [REDACTED].

The Department determined the Claimant's co-payment of [REDACTED] for non-heat electricity by subtracting the Department's fiscal year cap of \$550 from the Claimant's outstanding bill of [REDACTED]

The Department determined the Claimant's co-payment of [REDACTED] for natural gas by subtracting the Department's fiscal year cap of \$550 from the Claimant's outstanding bill of [REDACTED]

The Claimant argued that his water, electric, and natural gas bills would not have gotten so high if the Department had provided him with additional assistance in the past. The Claimant testified that the Department would have assisted him more except that his caseworker had acted in a discriminatory manner against him.

Based on the evidence and testimony available during the hearing, the Department established that it properly determined the Claimant's co-payment for SER assistance with his water, electric, and natural gas shut off notices.

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 and co-payments.

The Department's SER 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 23, 2010

Date Mailed: September 24, 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.

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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:

