

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: 2010-46285
Issue No: 5016
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date: November 30, 2010
Chippewa 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 November 30, 2010. The claimant appeared via a three-way telephone call and provided testimony.

ISSUE

Did the department properly deny the claimant's State Emergency Relief (SER) application in May, 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 an electric/gas bill from DTE Energy. (Department Exhibit 1 – 7)
2. The claimant's request was denied on May 24, 2010, as she was not residing at the home she requested the assistance for. (Department Exhibit 11)
3. The claimant submitted a hearing request on May 24, 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).

Department policy states:

COVERED SERVICES

Heating, Electric or Deliverable Fuels

When the group's heating or electric service for their current residence is or will be shut off, or payment is necessary to restore service, authorize payment for the shut-off or restoration amount to the provider up to the fiscal year cap. Payment must restore or continue the service for at least 30 days. Also, pay the necessary charges to deliver a 30-day supply of a deliverable fuel.

Deposit, Reconnect Fees

Deposits, special trip charges, pilot relights, pressure checks, reconnect fees, and related charges such as storage tank (pig) installation, delivery or rental can be paid. These fees are NOT included in the fiscal year cap, but do have a dollar limit per occurrence, and should be coded 26, Heat Deposit/Fee, or 27, Electric Deposit/Fee.

Billing Address

Except for categorical eligibility, a bill does not have to be in the client's name, however the bill must be connected to the group's current address. If a previous bill, from the same provider, is transferred to the account at the current address, it is considered to be connected to the service at the new address. If the bill must be paid to maintain service at the new address, authorize payment up to the fiscal year cap. ERM, Item 301, p. 1.

The claimant applied for SER assistance with an electric/gas bill from DTE Energy on May 21, 2010. The claimant listed her address where she was living as [REDACTED]. However, the address the claimant was requesting assistance for was [REDACTED]. The claimant

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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.

SM/ds

cc:

