

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: 2010-49842  
Issue No: 5016

[REDACTED]

ADMINISTRATIVE LAW JUDGE: Landis Y. Lain

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, an in-person hearing was held on November 16, 2010. Claimant personally appeared and testified.

ISSUE

Did the Department of Human Services (the department) properly deny claimant's application for State Emergency Relief (SER) based upon its' determination that the bill was not connected to his current address?

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 June 23, 2010, claimant filed an application for an SER for heat and electric.
- (2) A DHS-1419 was sent to [REDACTED] on June 29, 2010, denying the SER because the bill was not connected to his current address.
- (3) Claimant submitted a utility bill which was for [REDACTED]. Claimant's address as listed with the department was [REDACTED] Avenue.
- (4) On July 2, 2010, claimant filed a request for a hearing to contest the department's negative action.

### 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).

State Emergency Relief prevents serious harm to individuals and families. SER assists applicants with safe, decent, affordable housing and other essential needs when an emergency situation arises. Residency of the State of Michigan is not required. SER serves all persons physically present in Michigan. In addition, SER applicants must:

- Complete the application process
- Meet financial and non-financial requirements
- Have an emergency with threatened health or safety and can be resolved through the issuance of SER
- Take action within their ability to help themselves, i.e. obtain potential resources and/or apply for assistance
- Not have caused the emergency
- Cooperate in providing the information about income, assets, living arrangements, and other persons living in the home.

The department is to deny services for applicants who fail to meet any of the above requirements. ERM, Item 101, p. 1.

SER helps to restore or prevent shutoff of the utility service specified in this item when service is necessary to prevent serious harm to SER group members. The following are covered utility services:

- Payment of an arrearage to maintain or restore service for the following utilities: water, sewer and 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, re-connection, or hookup of utility services.

The bill does not have to be in the clients name but it must be connected to the groups current address. If the bill, including older transferred balances, must be paid to start or maintain service at the current or new address. Payment may be authorized up to the fiscal year cap as long as the payment resolves the emergency. The department is not to approve the following services under any circumstances:

- Telephone arrearages, installation costs, or deposits
- Utility deposits for any rental unit if the address of the unit appears on the vendor payments restricted addresses list maintained locally
- Unauthorized or illegal usage of any utility
- Utility service that does not reflect SER groups actual usage.

In the instant case, the bill submitted by claimant was a bill for [REDACTED]. Claimant resided at [REDACTED]. The bill was not connected to claimant's current address.

Claimant testified on the record that he was going to move into 309 W. Washington Avenue at the time but was unable to do so.

This Administrative Law Judge finds that the department has established by the necessary competent, material and substantial evidence on the record that it was acting in compliance with department policy, when it denied claimant's application for SER because the bill was not connected to his current address. In addition, there was no evidence submitted to indicate that the bill had to be paid to start or maintain service at the current or new address.

#### DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department has established by preponderance of the evidence that it was acting in compliance with department policy when it denied claimant's application for SER under the circumstances.

Accordingly, the department's decision is AFFIRMED.

