

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.: 2010-55921  
Issue Nos.: 5016, 5100  
Case No.: [REDACTED]  
Hearing Date: December 8, 2010  
DHS County: Oakland (63-02)

**ADMINISTRATIVE LAW JUDGE:** Susan C. Burke

**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 December 8, 2010. Claimant appeared and testified. [REDACTED] appeared on behalf of the Department of Human Services (Department).

**ISSUE**

Was the Department correct in its decision requiring Claimant to make a copayment for State Emergency Relief (SER) for electricity?

**FINDINGS OF FACT**

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

1. Claimant applied for SER for electricity in the amount of \$900.00 on July 26, 2010.
2. Claimant received \$675.00 per month in Social Security Income.
3. Claimant was in an SER Group Size 1.
4. Claimant had paid \$184.00 toward his electric bill in the last six months.
5. The Department issued a State Emergency Relief Decision Notice on August 3, 2010, indicating that \$429.29 was the amount of Claimant's copayment required to be paid by August 24, 2010.

6. Claimant requested a hearing on August 23, 2010.

### **CONCLUSIONS OF LAW**

The 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 policies are found in the State Emergency Relief Manual (ERM).

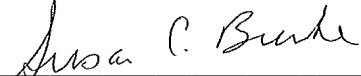
A group size of one is eligible for energy services when the combined monthly net income that is received or expected to be received does not exceed the monthly income standard of \$1,954.00. ERM 208.

ERM 301 dictates that to receive assistance with electricity, the applicant must have made certain payments. The table found in ERM 301 shows that a group size of one has a required payment of \$22.00 per month. The energy required payment period is the six-month period prior to the month the SER group applies for assistance. Energy required payments are met if the amounts paid by the group for electricity equal or exceed the table amounts for the required payment period. If the client fails without good cause to make required payments, a short fall amount is determined. The client must pay the shortfall amount toward the cost of resolving the emergency. ERM 208.

In the present case, the Department failed to show why Claimant was required to make a copayment when Claimant made the required energy payment of \$22.00 per month (Exhibit 5, Payment History DTE) and met the income test (Claimant's SSI of \$661 is less than the ERM standard of \$1054.) The Department was, therefore, incorrect in its decision to require Claimant to make a copayment for SER for electricity.

### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department was incorrect in its decision requiring Claimant to make a copayment for SER for electricity and is, therefore, REVERSED. It is ORDERED that the Department shall reprocess Claimant's July 26, 2010, SER application and issue a new State Emergency Relief Decision Notice. Claimant may request another hearing if he feels aggrieved by the new Notice.



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Susan C. Burke  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: December 15, 2010

2010-55921/SCB

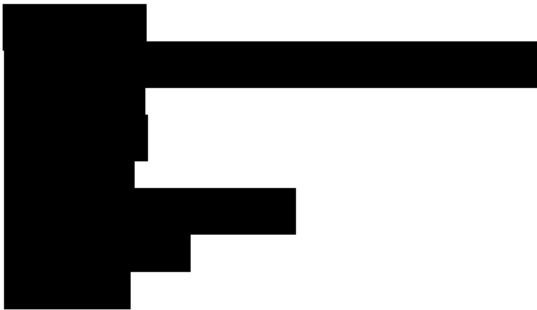
Date Mailed: December 20, 2010

**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.

SCB/pf

cc:

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