

STATE OF MICHIGAN  
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED],  
Claimant

Reg. No: 2010-8116  
Issue No: 5100  
Case No: [REDACTED]  
Load No: [REDACTED]  
Hearing Date:  
June 23, 2010  
Marquette 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 September 28, 2009. After due notice, a telephone hearing was held on Wednesday, June 23, 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) The Claimant applied for SER on September 21, 2009, as a group of two, and requested SER benefits to pay her non-heat electricity and water bills.
- (2) The Claimant does not receive benefits from the Food Assistance Program (FAP), Family Independence Program (FIP), or Supplemental Security Income (SSI).

(3) The Claimant had not made required payments toward her electricity and water bills.

(4) On September 25, 2009, the Department denied the Claimant's SER application.

(5) On September 28, 2009, the Department received the Claimant's request for a hearing, protesting the denial of her SER application.

### 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).

The purpose of SER is to prevent serious harm to individuals and families by helping them obtain safe, decent, and affordable housing, as well as other essential services. SER benefits are paid to remedy emergencies that arise because of circumstances beyond the applicant's control. SER 100. To be eligible for energy service assistance, an SER group must make required payments toward their energy service bills unless the case is categorically eligible. SER 301.

The Claimant is not categorically eligible because she does not have an active FIP, FAP, or SSI case. SER 301. SER does not assist persons who fail to use their income to prevent a shelter emergency, unless good cause for such failure exists. A client-caused emergency means actual or potential homelessness, or lack of heat or utility services, because the SER group failed to pay the required amounts. SER 203.

SER policy states that SER applicants must make all energy required payments toward their energy and utility bills. Policy further states that the required energy payment period is the six month period prior to the month the SER group applies, regardless of previous SER approvals. SER 301.

In this case, there is no evidence that the Claimant made payments to secure ongoing electricity and water service. For a group of two, the monthly energy required payments are [REDACTED] for non-heat electricity, and [REDACTED] for water. ERM 301, ERM 302. Approval of SER benefits would not resolve the emergency in this case. Based on the Claimant's failure to make requirements, the Department established that it denied the Claimant's request for SER benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department correctly denied the Claimant's SER application for payment of her electricity and water bills.

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: July 19, 2010

Date Mailed: July 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 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

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