

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.: 2010-6124
Issue No.: 5016
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: August 23, 2010
DHS County: Wayne (55)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to Michigan Compiled Laws (MCL) Sections 400.9 and 400.37 and Claimant's request for a hearing. After due notice, a telephone hearing was held on August 23, 2010. Claimant appeared and testified. [REDACTED]

[REDACTED], appeared and testified on behalf of the Department of Human Services (DHS).

ISSUE

Whether Claimant is eligible for State Emergency Relief (SER) energy services on or before August 25, 2009?

FINDINGS OF FACT

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

1. On or about May 1, 2009, Claimant leased a residence at [REDACTED]. (See Attachment 1, Notice of Hearing, August 31, 2009.)
2. On July 24, 2009, the United Collection Bureau, Inc., Toledo, Ohio, sent a collection letter to Claimant on behalf of DTE Energy, requesting that she pay a balance owing of \$1,407.02, on Account No. [REDACTED], providing service to [REDACTED]. *Id.*, p. 3.
3. The DTE Energy account at [REDACTED] was not in Claimant's name.

4. On or after July 24, 2009, Claimant applied for SER benefits solely for assistance with the United Collection Bureau bill and other utility bills.
5. On August 25, 2009, DHS denied Claimant's request for SER benefits to help pay the United Collection Bureau bill. (See Notice of Hearing, reverse side of document.)
6. DHS stated that the reason for the denial was, "You failed to provide the Department with information needed to determine eligibility. BAM 130." *Id.*
7. On August 31, 2009, Claimant filed a notice of hearing request with DHS stating, "No lights + gas in my name – promise to be put in my name - has not happen (sic) yet. – [REDACTED]."

CONCLUSIONS OF LAW

SER was established by the Michigan 2004 Public Acts 344. SER is administered by DHS pursuant to MCL 400.10 *et seq.*, and by Michigan Administrative Code Rules 400.7001-400-7049. DHS' SER policies and procedures are found in the Emergency Relief Manual (ERM). This manual is available online at www.michigan.gov/dhs-manuals.

ERM 301, "Energy Services," is the correct ERM Item to apply in this case. I quote here from the May 1, 2009, version of ERM 301. This is the version of ERM 301 that was in effect at the time of Claimant's application, approximately July 2009. The May 2009 version is not available online.

COVERED SERVICES

Heating, Electric or Deliverable Fuels

When the group's heating or electric service for their current resident **is or will be shut off, or payment is necessary to restore services**, authorize payment for the shutoff or restoration amount to the provider up to the fiscal year cap. Payment must restore or continue the services for at least 30 days. Also, pay the necessary charges to deliver a 30-day supply of a deliverable fuel. A full tank is considered a 30-day supply. ERM 301, May 1, 2009, p. 1. (Bold print added for emphasis.)

I have considered all of the evidence and the testimony in this case. While many issues were raised concerning later events, later applications, and a later hearing request, I conclude that there is only one issue before me in this hearing, and that is the question of Claimant's eligibility for SER energy services on or before August 25, 2009.

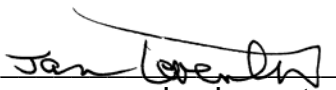
Having considered all of the evidence and testimony in this case, I find no evidence that Claimant's electricity was shut off, or that she received a shutoff notice, or that she needed to make a payment in order to restore electric service. The only material that Claimant presented is a billing statement from a collection agency. This document says nothing about a shutoff in the past or in the future, and it says nothing about requiring Claimant to pay the bill in order to restore electric service.

I cannot assume from this document that Claimant already suffered a shutoff, or that she anticipated a shutoff, or that she required SER assistance in order to restore service. While the collection agency bill may reflect a genuine debt, the document does not indicate that Claimant's electric service was, or will be, in jeopardy. ERM 301 requires that one of three situations must be present, and I conclude that none of these three situations is present in this case.

Based on the evidence and the testimony before me, I cannot conclude that Claimant provided the necessary documentation to DHS or to this court to support her claim for Emergency Relief. I find that Claimant was ineligible for SER energy services on August 25, 2009, and DHS' action in this matter is AFFIRMED.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, determines that DHS took appropriate action in finding that Claimant was ineligible for SER energy services. DHS' action is AFFIRMED.



Jan Leventer
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: August 24, 2010

2010-6124/JL

Date Mailed: August 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 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.

JL/pf

cc:

