

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: 2011-1266
Issue No: 5016

[REDACTED] [REDACTED]
Hearing Date: November 4, 2010
Lenawee 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 4, 2010.

ISSUE

Did the department properly determine the claimant's eligibility for State Emergency Relief (SER) assistance with a Consumer's Energy shut-off notice?

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 on August 31, 2010 for a Consumer's Energy shut-off notice in the amount of [REDACTED] (Department Exhibit 3)
2. The department issued a SER Decision Notice (DHS-1419) on September 3, 2010. The department determined the claimant would have to pay [REDACTED] and the department would then pay [REDACTED]. (Department Exhibit 1 - 2)
3. The claimant submitted a hearing request on September 20, 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:

ELIGIBILITY DETERMINATION

LOA2 State Emergency Relief Budget

Complete an LOA2 SER budget for each request/application. Use it to calculate payment maximums, required payments, income and asset eligibility, etc. and to certify eligibility or ineligibility. ERM, Item 103, p. 2.

Approval

Certain conditions must be met before SER can be issued to help individuals and families whose health and safety are threatened:

- . Prior written or oral approval must be given by an authorized department staff person before SER issuance. Do not issue SER to reimburse expenses incurred or paid without prior department approval.
- . The SER payment must resolve the emergency.
- . The group must meet all applicable policy requirements for the SER service. ERM, Item 103, p. 2.

DHS-1419, Decision Notice

Inform all SER applicants in writing of the decision made on their application. Mail or give the DHS-1419, Decision Notice, to the applicant.

If the SER group meets all eligibility criteria but has an income or asset co-payment or shortfall or contribution, SER eligibility may be approved on SIMS, but do not issue payment until the client provides proof that the shortfall or contribution, and/or co-payment has been made.

Verification of payment must be made within the 30-day authorization period or no SER payment will be made and the client will have to reapply.

If the co-payment, shortfall, contribution or combination exceeds the need, the application can be denied. ERM, Item 103, p. 3.

In this case, the claimant testified that she can not afford to make the required payment of [REDACTED]. Claimants are often responsible for a portion of the amount required to resolve the emergency. If the SER group has an asset or income co-payment, shortfall or contribution, the department will not pay their required portion until the claimant provides proof the shortfall, contribution or co-payment has been made. ERM 103. The client has 30 days to provide the verification of payment. ERM 103.

The claimant admits that she did not make the required contribution payment. Thus, the department could not authorize payment of any of their portion. This Administrative Law Judge is unable to find that the department did not act in accordance with department policy.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly determined the claimant's eligibility for State Emergency Relief (SER) assistance with a Consumer's Energy shut-off notice.

Accordingly, the department's determination is UPHeld. SO ORDERED.

/s/

Suzanne L. Morris
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 1/25/11

Date Mailed: 1/25/11

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.

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