

**STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES**

IN THE MATTER OF:



Reg. No: 201125396
Issue No: 5016
Hearing Date: June 8, 2011
Allegan County DHS

ADMINISTRATIVE LAW JUDGE: Kandra Robbins

HEARING DECISION


This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37, 7 CFR 273.16, MAC R 400.3130, and MAC R 400.3178 upon the Claimant's request for hearing. After due notice, a telephone conference hearing was held on June 8, 2011. The claimant was present and testified.

ISSUE

1. Did the department properly process claimant's State Emergency Relief (SER) application?

FINDINGS OF FACT

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

1. The claimant filed a SER application on March 16, 2011, requesting assistance with electric shut off.
2. The department had already paid  towards electric in February 2011. (Hearing summary)
3. The claimant was sent a State Emergency Relief Decision Notice on March 18, 2011. (Department Exhibit 1, pg 3).
5. On March 23, 2011, the department received the claimant's Request for Hearing protesting the department's determination of his SER application.

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901 - .951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. MAC R 400.903(1) An opportunity for a hearing shall be granted to an applicant who requests a hearing because of a denial. MAC R 400.903(2)

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. BAM 600. The department will provide an administrative hearing to review the decision and determine the appropriateness. BAM 600.

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 policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), Reference Table Manual (RFT), Emergency Relief Manual (ERM) and the Bridges Reference Manual (BRM). Department Policy states:

ERM 101 DEPARTMENT POLICY

State Emergency Relief (SER) prevents serious harm to individuals and families. SER assists applicants with safe, decent, affordable housing and other essential needs when an emergency situation arises.

Requirements Residence in 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 which threatens health or safety and can be resolved through 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 (see [ERM 204](#), Client-Caused Emergencies).
- Cooperate in providing information about income, assets, living arrangements, and other persons living in the home.

Deny SER services for applicants who fail to meet any of the above requirements.

ERM 301 DEPARTMENT POLICY

Low-income households who meet all State Emergency Relief (SER) eligibility requirements may receive assistance to help them with household heat and electric costs. Funding for energy services assistance is provided through the Low Income Home Energy Assistance Program (LIHEAP) and Low Income Energy Efficiency Funds (LEIEEF) if granted by the Michigan Public Service Commission.

COVERED SERVICES

Heating, Electric or Deliverable Fuels

When the group's heat or electric service for their current residence is in threat of shutoff or is already shut off and must be restored, payment may be authorized to the enrolled provider. The amount of the payment is the minimum necessary to prevent shutoff or restore service, up to the fiscal year cap. Payment must resolve the emergency by restoring or continuing the service for at least 30 days.

ERM 302 Authorizations

Before authorizing the department's portion of the cost of services, verify that the income and asset copayment, shortfall, and contribution have been paid by the client or will be paid by another agency. For energy services, a utility payment agreement that the client has signed is acceptable as verification of payment. Approve payment up to the fiscal year cap if it will resolve the emergency and if the provider will maintain or restore service for at least 30 days.

In this case, the claimant filed an application for SER for assistance with an electric shut off. The claimant was sent State Emergency Relief Decision Notice indicating that he had already reached the fiscal cap for 2011. The fiscal cap for electric assistance is \$350.00 per policy. ERM 301. The department is only authorized to make payments up to the fiscal cap. ERM 301 / 302. The claimant does not dispute that the department had assisted with an electric shutoff in February 2011, for the \$350.00 cap.

Therefore, it is found that the department properly processed the claimant's SER application.

DECISION AND ORDER

This Administrative Law Judge, based upon the above findings and conclusion of law, decides that the department properly processed the claimant's SER application.

It is so ORDERED.

/s/
Kandra Robbins
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: June 10, 2011

Date Mailed: June 13, 2011

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.

KR/ar

cc:

