

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

IN THE MATTER OF:



Reg. No: 2011-27378
Issue No: 5016
Case No: 101305732



Alpena County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne L. Morris

HEARING DECISION

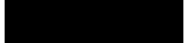
This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing received on March 24, 2011. After due notice, a telephone hearing was held on June 16, 2011. Claimant personally appeared and provided testimony.

ISSUE

Did the department properly deny Claimant's State Emergency Relief (SER) application for heating (gas) payments?

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 State Emergency Relief (SER) assistance with a heat (gas) bill on February 23, 2011. (Department Exhibit 2 - 6).
2. A March 7, 2011 and a March 12, 2011 inquiry to the  website found the claimant was not in shutoff status as the claimant had made a payment on March 2, 2011. (Department Exhibit 7 - 9)
3. The department issued the claimant a SER Decision Notice (DHS-1419) on March 12, 2011, denying the SER application because the client had resolved their emergency and the account was not in shutoff status. (Department Exhibit 1)
4. The claimant submitted a hearing request on March 24, 2011.

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 400.901-400.951. 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 of Human Services (DHS or department) policies are found in the State Emergency Relief Manual (SER).

Department policy states:

Low-income households who meet all State Emergency Relief (SER) eligibility requirements may receive assistance to help them with household heat and electric costs.

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 for at least 30 days. Current bills that are not subject to shutoff should not be included in the amount needed. ERM 301.

In this case, the claimant is disputing the denial of his SER application requesting assistance with a gas bill. The claimant submitted the application for assistance with a [REDACTED] bill on February 23, 2011. When the department checked the claimant's status via the online account information, the claimant was no longer in shutoff status as he had made a payment that continued his service.

Department policy requires the client to be in shutoff or disconnect status to be eligible for assistance. Thus, when the client was no longer in shutoff status, his emergency was resolved. Thus, the department properly denied the SER application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly denied the claimant's SER application for heating (gas) services.

Accordingly, the department's action is UPHeld.

It is SO ORDERED.

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

Date Signed: 6/22/11

Date Mailed: 6/22/11

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 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.

SLM/ds

