

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]
[REDACTED]
[REDACTED]

Reg. No: 20114351

Issue No: 5016

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

December 9, 2010

Genesee 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 [December 9, 2010](#). The claimant was present and testified.

ISSUE

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 October 11, 2010 requesting assistance with Electrical shut off notice (Department Exhibit 4-b).
2. The Claimant was residing at [REDACTED] [REDACTED] (Department Exhibit 5-a).
3. The Department received [REDACTED] Payment Verification indicating that there is no electrical shut off at the Claimant's address of [REDACTED] [REDACTED] (Department Exhibit 2-a).
4. The Claimant was sent a State Emergency Relief Decision Notice on October 13, 2010.

5. On October 18, 2010, 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 of Human Services (DHS or department) policies are found in the State Emergency Relief Manual (SER).

Department policies are found in the Program Administrative Manual (BAM), the Program Eligibility Manual (BEM) and the Program Reference Manual (PRM). Department Policy states:

ERM 301 DEPARTMENT POLICY

Low-income households who meet eligibility requirements in this item can receive assistance to help them meet their household heat and electric costs. Funding for energy services assistance is provided through the Low Income Home Energy Assistance Program (LIHEAP).

COVERED SERVICES

Heating, Electric or Deliverable Fuels

When the group's heating or electric service for their current residence is in threat of or is already off and service must be restored, payment may be authorized to the provider up to the fiscal year cap. Payment must resolve the emergency by restoring or continuing the service for at least 30 days.

For household that heat with a deliverable fuel, pay the necessary charges to deliver a 30-day supply of a

deliverable fuel. For fuel oil and propane, a delivery to fill the tank is considered a 30-day supply.

Example: In the winter, a full tank may only last a couple of weeks, depending on the temperatures. It is too difficult to determine how long the fuel will last. So, payment may be authorized for a full tank or as much as can be paid based on the amount left to cap.

Deposit, Reconnect Fees

Deposits, special trip charges, pilot relights, pressure checks, reconnect fees, and related charges such as storage tank (pig) installation, delivery or rental can be paid. These fees are **not** included in the fiscal year cap, but do have a dollar limit per occurrence, and should be coded 26, Heat deposit/fee, or 27, Electric deposit/fee.

Billing Address

Except for categorical eligibility, a bill does not have to be in the client's name, but it must be connected to the group's current address. If the bill, including old or transferred balances, must be paid to start or maintain service at the current or new address, payment may be authorized payment up to the fiscal year cap, as long as the payment resolves the emergency.

In this case, the Claimant filed an application for SER for an Electrical shut off notice for an address on [REDACTED] street. At the time of the application, the Claimant was residing at [REDACTED] [REDACTED]. There was no electrical shut off notice attached to the home he was residing in. Furthermore according to the Landlord verification, the Claimant's electrical bill at [REDACTED] [REDACTED] is part of his rental payment. Department policy specifically states that the bill for the electrical service must be connected to the Claimant's current address for SER eligibility. ERM 301 Therefore, the Department properly denied his request for SER for an electrical shut off.

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 Ismael Ahmed, Director
Department of Human Services

Date Signed: December 22, 2010

Date Mailed: December 27, 2010

NOTICE: The law provides that within 30 days of receipt of the above Decision and Order, the respondent may appeal it to the circuit court for the county in which he/she lives.

KKR/tg

cc:

