

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

IN THE MATTER OF:



Reg. No.: 201144445
Issue No.: 5016
Case No.: [REDACTED]
Hearing Date: October 3, 2011
County: Wayne (49)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on October 3, 2011, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of Department of Human Services (Department) included Tresna Tupper, Assistant Payment worker and Eligibility Specialist, and Gloria Thompson, Family Independence Manager.

ISSUE

Did the Department properly deny Claimant's request for State Emergency Relief (SER) assistance with energy or utility service(s)?

FINDINGS OF FACT

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

1. On June 24, 2011, Claimant applied for SER assistance with energy or utility service.
2. On June 30, 2011, the Department sent notice of the application decision to Claimant.
3. On June 24, 2011, the Department received Claimant's hearing request, protesting the SER denial.

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 1999 AC, Rule 400.7001 through Rule 400.7049. Department policies are found in the State Emergency Relief Manual (ERM).

Additionally, when the group's heat or electric service for their current residence is in threat of shutoff or is already shutoff and must be restored, the Department may authorize payment directly to the enrolled service provider in an amount necessary to prevent shutoff or restore services to the fiscal year cap. ERM 301. The fiscal cap for gas services for October 1, 2010 to September 31, 2011 was \$850. ERM 301. In this case, the Department had paid \$134.90 for Claimant's outstanding gas services bill in January 2011, leaving \$715.10 for Claimant's outstanding gas services bills for the remainder of the fiscal year.

Claimant originally applied for SER relief in connection with her outstanding gas bill on May 4, 2011. In a May 4, 2011, SER Decision Notice, the Department agreed to pay Claimant's gas provider \$715.10, the amount remaining towards Claimant's fiscal cap of \$850, after Claimant provided evidence of her payment of her \$389.11 contribution amount by May 25, 2011. Claimant paid her \$389.11 contribution before May 25, 2011 and provided the Department with written verification of her payment to DTE prior to the May 25, 2011 deadline. The Department testified that it did not receive a receipt from DTE showing evidence of payment which it required in order to process its payment of the \$715.10, but it subsequently confirmed from the provider's online database that Claimant did in fact timely pay her required contribution of \$389.11. In light of this evidence, the Department agreed to process Claimant's SER request. However, it requested that Claimant complete a new SER application because the Department could not pay any amounts following the May 25, 2011 deadline in the May 4, 2011 SER Decision Notice.

On June 24, 2011, Claimant reapplied for SER assistance. On June 30, 2011, the Department issued a Decision Notice providing that it would pay \$715.10 upon Claimant's payment of \$395.80. However, the Department paid the \$715.10 to Claimant's gas services provider on September 21, 2011, even though Claimant did not pay her required contribution of \$395.80. The Claimant acknowledges that the Department paid \$715.10 to her provider. Although Claimant was understandably frustrated by the Department's delay in processing her request for SER relief, the Department ultimately assisted Claimant by paying SER benefits to the fiscal cap available to her prior to October 1, 2011, when the new fiscal year began and the new fiscal cap for energy services would be applied. Thus, any error by the Department in processing Claimant's application was harmless.

Based on the above Findings of Fact and Conclusions of Law, and for reasons stated on the record, the Administrative Law Judge concludes that the Department

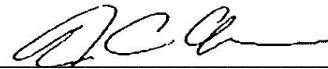
properly denied improperly denied properly processed improperly processed Claimant's SER application for assistance with energy and utility services.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for reasons stated on the record, finds that the Department did act properly. did not act properly.

Accordingly, the Department's decision is AFFIRMED REVERSED for the reasons stated above.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:



Alice C. Elkin
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 10/10/11

Date Mailed: 10/10/11

NOTICE: Michigan Administrative Hearing System (MAHS) 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. MAHS 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.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
 - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at
Michigan Administrative hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

ACE/dj

cc:

