

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.: 2011-6981
Issue Nos.: 5000, 6000
Case No.: [REDACTED]
Hearing Date: January 20, 2011
DHS County: Wayne (82-15)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to Michigan Compiled Laws (MCL) 400.9 and 400.37 and Claimant [REDACTED] request for a hearing. After due notice, a telephone hearing was held on January 20, 2011. Claimant appeared and testified. [REDACTED], appeared and testified for the Department of Human Services (DHS).

ISSUE

1. Whether DHS properly denied State Emergency Relief (SER) benefits to Claimant?
2. Whether DHS properly denied Child Development and Care (CDC) benefits to Claimant?

FINDINGS OF FACT

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

1. On or before October 27, 2010, Claimant applied for SER benefits to assist with DTE Energy electric and gas shutoffs.
2. On October 27, 2010, DHS sent Claimant a SER Decision Notice, DHS Form 1419, stating that in order to receive DHS assistance of \$700, Claimant must pay \$1,384.53 to DTE Energy.
3. On October 29, 2010, Claimant made a minimum payment to DTE Energy of \$350 towards the DHS \$1,384.53 requirement.

4. DTE Energy accepted the minimum payment and notified the DHS Liaison Specialist that it would accept payments from DHS based on Claimant's minimum payment and cancel the shutoffs.
5. The DHS Liaison accepted DTE Energy's clearance for Claimant and authorized the DHS payment of \$700.
6. DHS failed to pay \$700 to DTE Energy.
7. On or before October 27, 2010, Claimant applied for CDC benefits with DHS.
8. DHS erroneously attributed \$281 monthly child support income to Claimant and determined that Claimant had excess income and was not eligible for CDC benefits.
9. Claimant did not receive child support income.
10. On October 27, 2010, DHS sent Claimant a Notice of Case Action denying CDC benefits for the reason that she had too much income.
11. On October 28, 2010, Claimant filed a hearing request with DHS, disputing both the SER and CDC benefit determinations.
12. At the hearing on January 20, 2011, DHS agreed to process Claimant's SER utility assistance and make the promised \$700 payment to DTE Energy.
13. Also at the hearing, DHS agreed to delete the \$281 per month child support from Claimant's income and recalculate Claimant's eligibility for CDC benefits.
14. As a result of these two DHS agreements, Claimant at the hearing stated that she did not wish to pursue the administrative hearing process further.

CONCLUSIONS OF LAW

SER was established by 2004 Michigan Public Acts 344. The SER program is administered according to MCL 400.10, *et seq.*, and Michigan Administrative Code Rules (MACR) 400.7001-400.7049. DHS' policies are found in the State Emergency Relief Manual (ERM). This manual is available online at www.michigan.gov/dhs-manuals.

CDC was established by Titles IVA, IVE and XX of the U.S. Social Security Act, the U.S. Child Care and Development Block Grant of 1990, and the U.S. Personal Responsibility

and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. DHS provides services to adults and children pursuant to MCL 400.14(1) and MACR 400.5001-400.5015. DHS' policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT). These manuals are also available online at www.michigan.gov/dhs-manuals.

Under BAM Item 600, clients have the right to contest any DHS decision affecting eligibility or benefit levels whenever they believe the decision is illegal. DHS provides an Administrative Hearing to review the decision and determine if it is appropriate. DHS policy includes procedures to meet the minimal requirements for a fair hearing. Efforts to clarify and resolve the client's concerns start when DHS receives a hearing request and continue through the day of the hearing.

At the hearing, the parties agreed to settle and resolve the situation as follows: first, DHS agrees to make a SER payment of \$700 to DTE Energy in order to avoid utility shutoffs at Claimant's residence, and second, DHS agrees to recalculate Claimant's income, removing child support income, for purposes of determining Claimant's eligibility for CDC benefits. As the parties have agreed to settle their differences, it is not necessary for the Administrative Law Judge to adjudicate any issues presented.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law and the stipulations of the parties, decides IT IS HEREBY ORDERED that DHS shall make a \$700 payment of SER benefits directly to DTE Energy to avoid shutoffs at Claimant's residence, and DTE agrees to delete child support income from the calculation of Claimant's income for the purpose of redetermining Claimant's eligibility for CDC benefits. IT IS ORDERED that these steps shall be taken in accordance with all DHS policies and procedures.



Jan Leventer
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: February 1, 2011

2011-6981/JL

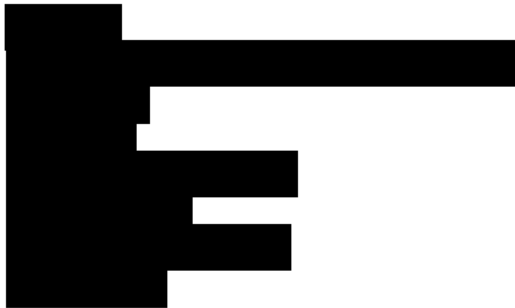
Date Mailed: February 2, 2011

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.

JL/pf

cc:

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