

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: 201111565  
Issue No: 5006  
Case No: [REDACTED]  
Hearing Date: March 9, 2011  
Cass County DHS

**ADMINISTRATIVE LAW JUDGE:** Kevin Scully

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on December 2, 2010. After due notice, a telephone hearing was held on Wednesday, March 9, 2011.

**ISSUE**

Whether the Department of Human Services (Department) properly determined the Claimant's State Emergency Relief (SER) eligibility?

**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 November 4, 2010, the Claimant submitted a State Emergency Relief (SER) application seeking the Department's assistance to have his propane tank filled.
2. The Claimant's propane provider required that the Claimant pay a [REDACTED] deposit to have his tank filled.
3. On November 9, 2010, the Department approved the Claimant's SER application and notified him that he would be required to pay [REDACTED] of the required [REDACTED] deposit.

4. The Department received the Claimant's request for a hearing on December 2, 2010, protesting the requirement that he pay [REDACTED] of the [REDACTED] deposit.

### **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 final administrative rules filed with the Secretary of State on October 28, 1993. MAC R 400.7001-400.7049. Family Independence Agency (FIA or agency) policies are found in the State Emergency Relief Manual (ERM).

Low-income households who meet all State Emergency Relief (SER) eligibility requirements may receive assistance to help them with household heat and electric costs. ERM 301. 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 if they are necessary to prevent an emergency and are required by the provider. These fees are not included in the fiscal year cap, but do have a dollar limit per occurrence. ERM 301.

In this case, the Claimant applied for State Emergency Relief (SER) seeking the Department's assistance to have his propane tank filled. On November 9, 2010, the Department approved the Claimant's SER application and notified him that he would be required [REDACTED] of the required [REDACTED] deposit.

Emergency Relief Manual Item 301 "Energy Services," set limits on the amount of assistance the Department can issue to an eligible applicant. The policy limits the amount of benefits the Department will issue towards a security deposit to [REDACTED]. Since the Claimant's propane provider required him to pay a [REDACTED] deposit, the Claimant is required to pay the balance of [REDACTED] towards his security deposit.

Based on the evidence and testimony available during the hearing, the Department has established that it acted in accordance with policy when it approved the Claimant's SER application subject to the Claimant's payment of [REDACTED] towards the security deposit.

### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department acted in accordance with policy in determining the Claimant's SER eligibility.

The Department's FAP eligibility determination is AFFIRMED. It is SO ORDERED.

/s/

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Kevin Scully  
Administrative Law Judge  
for Maura D. Corrigan, Director  
Department of Human Services

Date Signed: March 23, 2011

Date Mailed: March 24, 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 60 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.

KS/vc

cc:

