

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.: 2011-1666
Issue No.: 5100
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: December 9, 2010
DHS County: Wayne (43)

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 December 9, 2010. Claimant appeared and testified. [REDACTED], appeared and testified for the Department of Human Services (DHS).

ISSUE

Whether Claimant is eligible for State Emergency Relief (SER) benefits?

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 September 28, 2010, Claimant applied for SER assistance with energy expenses.
2. On September 30, 2010, DHS denied SER benefits to Claimant.
3. Claimant's unpaid balance to [REDACTED] was referred to a collection agency.
4. On October 4, 2010, Claimant filed a notice of hearing request with DHS.
5. At the hearing, the parties agreed that DHS would reopen the case and process a request to [REDACTED] to pay benefits directly to [REDACTED], as they are the vendor and DHS will not make direct payments to a collection agency.

6. Based on the settlement agreement, Claimant indicated she no longer wished to continue with the hearing.

CONCLUSIONS OF LAW

SER was established by 2004 Michigan Public Acts 344. The SER program is administered pursuant to MCL 400.10, *et seq.*, and Michigan Administrative Code Rules 400.7001-400.7049. DHS policies are found in the Bridges Administrative Manual (BAM) and the Emergency Relief Manual (ERM). These manuals are 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.

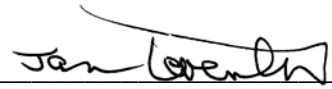
In this case, the parties have reached a settlement agreement by which DHS agrees to reopen Claimant's SER application and request that [REDACTED] accept a direct payment from DHS, as Claimant's account was referred to collection and DHS cannot make a direct payment to a collection agency. At the hearing, Claimant indicated that, as a result of this agreement, she no longer wished to proceed with the hearing.

As the parties have reached a fair and reasonable settlement in this matter, it is not necessary for the Administrative Law Judge to rule on the issues in this case. Based on the stipulated agreement of the parties, IT IS ORDERED that DHS shall reopen Claimant's application for SER benefits, and request that [REDACTED] accept a direct payment to Claimant's account, in lieu of payment to the collection agency currently handling Claimant's account.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, and based also on the stipulation of the parties, decides, and IT IS ORDERED, that DHS shall reopen Claimant's SER application and request that [REDACTED] accept a direct payment on Claimant's account, in lieu of payment to the collection agency currently handling Claimant's account.

IT IS SO ORDERED.



Jan Leventer
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: December 13, 2010

Date Mailed: December 14, 2010

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:

