

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-17573
Issue No.: 5009
Case No.: [REDACTED]
Hearing Date: May 9, 2011
DHS County: Wayne (82-15)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a hearing was held in Detroit, Michigan, on Monday, May 9, 2011. The Claimant appeared and testified. [REDACTED] appeared on behalf of the Department of Human Services ("Department").

ISSUE

Whether the Department properly processed the Claimant's State Emergency Relief ("SER") application?

FINDINGS OF FACT

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

1. The Claimant submitted an application for public assistance seeking SER benefits on December 14, 2010.
2. On December 21, 2010, the Department sent the Claimant a Decision Notice informing the Claimant she needed to pay (or make payment arrangements) \$865.41 towards her electric and gas services by January 12, 2011, prior to the Department authorizing a \$700.00 payment.
3. The Claimant was unable to pay the amount and she did not make payment arrangements prior to January 12, 2011.
4. As a result, the SER application closed.

5. On January 13, 2011, the Department received the Claimant's timely written request for hearing. (Exhibit 2)

CONCLUSIONS OF LAW

As a preliminary matter, the Claimant had submitted an application for cash assistance, medical benefits, and food assistance on November 19, 2010. The Claimant was approved for food assistance and medical benefits under the Adult Medical Program ("AMP"). The Department denied the Claimant's application for medical benefits based on disability ("MA-P") as well as State Disability Assistance ("SDA") benefits for failing to return the requested verifications. During the hearing, the Claimant acknowledged she did not return the requested verifications as required. The Claimant stated that the Social Security Administration ("SSA") recently approved the Claimant for benefits based on disability. The Claimant was encouraged to re-apply for MA-P and SDA benefits.

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. The Department's (formerly known as the Family Independence Agency) policies are found in the Emergency Relief Manual ("ERM").

SER prevents serious harm to individuals and families by assisting applicants with safe, decent, affordable housing and other essential needs when an emergency situation arises. ERM 101. All countable earned and unearned income is used to determine the group's financial eligibility. ERM 206. SER also assists with home repairs to correct unsafe conditions and restore essential services. ERM 304. When heat or electric services for a current residence is in the threat of shutoff or is already shut off and must be restored, payment may be authorized to the enrolled provider. ERM 301. The payment must resolve the emergency for at least 30 days. ERM 301. To be eligible for energy service assistance, a SER group must make required payments toward their energy service bill(s) based on the group size and service. ERM 301. Effective October 1, 2010, the fiscal year cap for residential electric and electric is \$350.00 per energy type. ERM 301. The Department must verify the income and asset co-payment, shortfall, and contribution paid by the client (or other agency) prior to authorizing payment. ERM 301.

In this case, the Claimant submitted a SER application on December 14, 2010. The Department notified the Claimant that she had to pay (or make payment arrangements in the amount of) \$865.41 by January 12, 2011. The Claimant denied receipt of the Notice, although it was not returned to the Department as undeliverable by the US

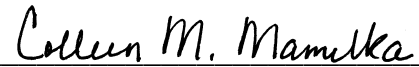
Postmaster. During this time, the parties acknowledged there was telephone communication in which the Department reiterated the amount that the Claimant was required to pay, and once verified, the Department would have paid \$700.00 towards the Claimant's heat and electric services. The Claimant was unable to make the required payment and she did not make payment arrangements by January 12, 2011. As a result, the SER application closed. Under these facts, the Department established it acted in accordance with Department policy when it processed and closed the Claimant's SER application.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, finds the Department established it acted in accordance with Department policy when it processed and closed the Claimant's SER application.

Accordingly, it is ORDERED:

The Department's determination is AFFIRMED.



Colleen M. Mamelka
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: May 12, 2011

Date Mailed: May 16, 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.

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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.

CMM/pf

cc:

