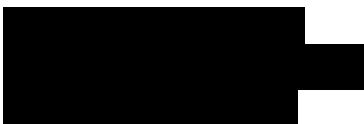


STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No.: 2011-20379
Issue No.: 5016
Case No. [REDACTED]
Hearing Date:
April 11, 2011
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon the Claimant's request for a telephone hearing a hearing was held on April 11, 2011. The Claimant appeared and testified.

ISSUE

Did the Department properly deny the Claimant's application for State Emergency Relief (SER)?

FINDINGS OF FACT

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

1. On [REDACTED], the Claimant applied for and SER to pay utility costs.
- 2.
3. On [REDACTED], the department denied the claimant's SER application because the emergency no longer existed.
4. On [REDACTED], the Claimant filed a request for a hearing.

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. Department of Human Services (formerly known as the Family Independence Agency) policies are found in the State Emergency Relief Manual (SER).

VERIFICATION OF NEED AND COST OF THE EMERGENCY

Verify actual or threatened shutoff or the need for reconnection of natural gas or electricity by contacting the energy company. Contact can be in the form of a written notice, telephone call, fax, email or information on the provider's secure website. (ERM 301, p. 7).

Here the claimant entered into a payment arrangement with her supplier therefore, the emergency no longer existed.

I find that the Department correctly denied the SER because the emergency had been resolved.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, AFFRIMS the Department's decision.



Michael J. Bennane
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: June 2, 2011

Date Mailed: June 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 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.

MJB/ hw

cc:

