

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

IN THE MATTER OF:
Issue

[REDACTED]

Reg. No.: 201123428
Nos.: 5016
Case No.: [REDACTED]
Hearing Date: May 2, 2011
DHS County: Macomb County DHS
(12)

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing. After due notice, a telephone hearing was held on May 2, 2011. Claimant appeared and testified. [REDACTED] appeared on behalf of the Department of Human Services (Department).

ISSUES

Was the Department correct in its decision regarding the authorized amount for Claimant's request for State Emergency Relief (SER) for electricity and heat?

FINDINGS OF FACT

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

1. Claimant applied for SER for electricity and heat on November 24, 2010.
2. The Department approved Claimant's application and issued payments in the amount of \$90.10 for electricity and \$83.30 for heat.
3. After the Department issued the payments, Claimant was no longer in shut-off status.
4. Claimant requested a hearing, protesting the approved amount issued by the Department.

CONCLUSIONS OF LAW

The 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

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Secretary of State on October 28, 1993. MAC R 4 00.7001-400-7049. Department policies are found in the State Emergency Relief Manual (ERM).

ERM 208, p. 1 states in part "Do not authorize a SER payment unless it will resolve the emergency."

ERM 301, p. 3 also states in part:

If the bill, including old or transferred balances, must be paid to start or maintain service at the current or new address, payment may be authorized up to the fiscal year cap, as long as the payment resolves the emergency.

In the present case, the Department issued a payment of \$90.10 for electricity and \$83.30 for heat upon Claimant's request for SER. Claimant admits that the payments made by the Department for electricity and heat took Claimant out of shut-off status. Since Claimant's emergency was resolved with the payments issued, the Department was correct in its decision regarding the amount of authorized payment. Claimant argued that she was entitled to \$350.00, the fiscal year cap. However, since a lesser amount resolved Claimant's emergency, that is, took her out of shut-off status, Claimant was not entitled to the full fiscal year cap of \$350.00.

It is noted that Claimant also raised the issue of professionalism in her worker, but that issue is beyond the scope of this hearing.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department was correct in its decision regarding the authorized amount for Claimant's SER for electricity and heat, and it is therefore ORDERED that its decision is AFFIRMED.

/s/ _____
Susan C. Burke
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: May 11, 2011

Date Mailed: May 11, 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.

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