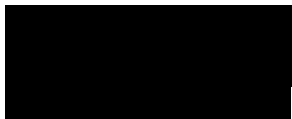


STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No. : 2011-26228
Issue No. : 5016
Case No.: [REDACTED]
Hearing Date: June 15, 2011
DHS County: Wayne (57)

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] hearing request of March 16, 2011. After due notice, a telephone hearing was conducted on June 15, 2011. The Claimant appeared and testified. [REDACTED] Eligibility Specialist, and [REDACTED] Family Independence Manager, appeared and testified for the Department of Human Services (DHS).

ISSUE

Whether DHS denied Claimant's request for State Emergency Relief (SER) energy services assistance in accordance with its policy and procedure?

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. In or about March, 2011, Claimant applied for SER assistance with his heat and electricity bills.
2. Claimant's heat and electric services for his current residence are not shut off and there is no threat of shutoff.
3. On March 16, 2011, Claimant requested a hearing with DHS.

CONCLUSIONS OF LAW

SER was established by 2004 Michigan Public Acts (PA) 344. SER is administered pursuant to MCL 400.10, *et seq.* and Michigan Administrative Code Rules 400.7001-400.7049. DHS' SER policies are found in the State Emergency Relief Manual (ERM). This Manual is available online at www.michigan.gov/dhs-manuals.

ERM is a policy and procedure document DHS officially created for its own use. While ERM is not law created by the U.S. Congress or the Michigan Legislature, it constitutes legal authority which DHS must follow. It is to the ERM that I look now, in order to see what policies apply in this case. After setting forth what the applicable policies are, I will examine whether they were followed in this case.

Claimant's application for SER benefits for his utilities is governed by ERM 301, "Energy Services." This policy requires that there must be a threat that a utility will be shut off, or, if it is already shut off, there must be proof that it is necessary to restore it. ERM 301, p. 1.

In reaching my decision I reviewed all of the evidence and testimony in this case as a whole. I find and conclude that neither of these emergencies exists in this case. Claimant's account information states that he is not in shut off status, no shutoffs are scheduled, and his balance owing has been referred to a collection entity. DHS correctly denied SER energy services to Claimant in this case and I AFFIRM the action taken by DHS. *Id.*

In conclusion, based on the above findings of fact and conclusions of law, I determine that DHS is AFFIRMED. DHS need take no further action in this matter.

DECISION AND ORDER

Based on the above findings of fact and conclusions of law, the Administrative Law Judge AFFIRMS the Department's decision. DHS need take no further action in this matter.



Jan Leventer
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: June 20, 2011

2011-26228/JL

Date Mailed: June 21, 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.

JL/cl

cc:

