

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

IN THE MATTER OF:



Reg. No.: 2011-30218
Issue No.: 5016
Case No.: [REDACTED]
Hearing Date: June 20, 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 telephone hearing was conducted from Detroit, Michigan, on Monday, June 20, 2011. The Claimant appeared and testified. [REDACTED] appeared on behalf of the Department of Human Services ("Department").

ISSUE

Whether the Department properly denied the Claimant's State Emergency Relief ("SER") application because the Claimant's electric service was not in shut-off status?

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 April 4, 2011, the Claimant submitted a SER application seeking assistance with her gas and electric services.
2. On this date, the Claimant's utilities account showed that payment for the gas services were past due but the electric services were not. (Exhibit 2)
3. On April 4th, the Department approved SER assistance for gas services and denied the SER assistance for the electric services. (Exhibit 1)
4. The Department notified the Claimant of the determination specifically stating that the electric services request was denied because it did not meet the program requirements. (Exhibit 1)

5. On April 8, 2011, the Department received the Claimant's timely written request for hearing. (Exhibit 3)

CONCLUSIONS OF LAW

The SER 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, 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. When heat or electric service for a current residence is in the threat of shut-off, or has already been shut-off and needs to 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. 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 applied for SER assistance for her gas and electric services. At the time of application, the Claimant's payment for gas services was past due; however, the payment for electric services was not. As a result, the Department approved SER assistance for the gas services but denied the assistance for the electric service because it was not in shut-off status. During the hearing, the Claimant acknowledged understanding of why her electric SER request was denied. Ultimately, the Department established it acted in accordance with Department policy when it denied the Claimant SER assistance for her electric services.

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 denied the Claimant's SER assistance for electric services.

Accordingly, it is ORDERED:

The Department's determination is AFFIRMED.

Colleen M. Mamelka

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

Date Signed: June 23, 2011

Date Mailed: June 27, 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.

CMM/pf

cc:

