

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201147977

Issue No: 5100

Case No: [REDACTED]

Hearing Date: September 29, 2011
Ingham County DHS

ADMINISTRATIVE LAW JUDGE: Christopher S. Saunders

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 received on November 24, 2009. After due notice, a telephone hearing was held on September 29, 2011. The claimant personally appeared and provided testimony. The claimant's friend, [REDACTED], provided testimony on the claimant's behalf and also served as a translator for the claimant.

ISSUE

Did the department properly deny Claimant's State Emergency Relief (SER) application for assistance with his electric bill?

FINDINGS OF FACT

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

1. The claimant applied for SER assistance for his electric bill on March 25, 2011.
2. The claimant's SER application for assistance with his electric bill was approved on April 7, 2011.
3. Although approved, the claimant was assigned a co-pay amount of [REDACTED], verification of which was required by May 5, 2011 in order for the department to render payment on behalf of the claimant.
4. The claimant did not submit verification of his payment to the department by May 5, 2011.

5. Because verification of the claimant's co-payment was not received, the department denied the claimant's SER application and sent him a notice of case action (DHS 1605) on May 11, 2011.
6. The claimant filed a request for hearing on July 19, 2011.

CONCLUSIONS OF LAW

As a preliminary matter, during the hearing the claimant indicated that he had requested a hearing regarding several SER applications as well as his Food Assistance Program benefits. The regulations regarding the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Administrative Code (MAC) R 400.901 -.951. Any hearing request which protests a denial, reduction or termination of benefits must be filed within 90 days of the mailing of the negative action notice. MAC R 400.902; MAC R 400.903; MAC R 400.904. Because the claimant did not file a hearing request within 90 days of the negative action taken regarding his FAP benefits, this Administrative Law Judge will not address that claim as it was filed untimely. Furthermore, although the claimant filed several SER applications, only the application that falls within the 90 day time frame will be addressed, this Administrative Law Judge will not address the other claims as they are untimely.

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. MAC R 400.903(1). An opportunity for a hearing shall be granted to an applicant who requests a hearing because of a denial. MAC R 400.903(2).

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. BAM 600. The department will provide an administrative hearing to review the decision and determine the appropriateness. BAM 600.

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 (DHS or department) policies are found in the Emergency Relief Manual (ERM).

State Emergency Relief prevents serious harm to individuals and families. SER assists applicants with safe, decent, affordable housing and other essential needs when an emergency situation arises. ERM 101.

SER is available to assist individuals in need with energy services. In relation to energy services, department policy states as follows:

DEPARTMENT POLICY

Low-income households who meet all State Emergency Relief (SER) eligibility requirements may receive assistance to help them with household heat and electric costs. Funding for energy services assistance is provided through the Low Income Home Energy Assistance Program (LIHEAP) and Low Income Energy Efficiency Funds (LIEEF) if granted by the Michigan Public Service Commission.

COVERED SERVICES

Heating, Electric or Deliverable Fuels

When the group's heat or electric service for their current residence is in threat of shutoff or is already shut off and must be restored, payment may be authorized to the enrolled provider. The amount of the payment is the minimum necessary to prevent shutoff or restore service, up to the fiscal year cap. Payment must resolve the emergency by restoring or continuing the service for at least 30 days. Current bills that are not subject to shutoff should not be included in the amount needed. ERM 301.

If a claimant otherwise meets all eligibility standards, they may be required to make a contribution to the amount of the requested service based on their income before the department will issue a payment. ERM 208. Department policy states:

Client Contribution

The SER group must contribute toward the cost of resolving the emergency if SER does not cover the full cost of the service. Other persons or organizations can also contribute funds on behalf of the SER group. Verification that the contribution has been paid must be received before any SER payment can be made. ERM 208.

In the case at hand, the department determined that the claimant would have a contribution amount of [REDACTED] for a bill of [REDACTED]. This contribution amount was required before the department would act on the SER request. The claimant testified that the income figures used by the department were correct as was the amount of the bill submitted for SER. The claimant further testified that he did not pay the contribution amount and in turn, did not provide proof of said payment to the department. Because the department did not receive verification of payment of the claimant's assigned contribution amount by the due date of May 5, 2011, the department acted properly in accordance with policy in denying the claimant's application for SER benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department acted properly in accordance with policy in denying the claimant's SER application.

Accordingly, the department's actions are **AFFIRMED**.

It is SO ORDERED.

/s/

Christopher S. Saunders
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: October 11, 2011

Date Mailed: October 12, 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.

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