

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-5637
Issue No.: 5016
Case No.: [REDACTED]
Hearing Date: January 13, 2011
DHS County: Macomb (50-12)

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] request for a hearing. After due notice, a telephone hearing was held on January 13, 2011. Claimant appeared and testified. [REDACTED], appeared and testified for the Department of Human Services (DHS).

ISSUE

Whether DHS properly denied State Emergency Relief (SER) benefits to Claimant?

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. On October 6, 2010, Claimant applied for SER benefits to assist in the payment of heating expenses.
2. Claimant submitted verification in the form of a Consumers Energy bill dated January 27, 2009, showing a balance owing of \$343.66.
3. At the time of the application, Claimant was homeless and was staying with friends.
4. On October 8, 2010, Claimant was denied a rental apartment at [REDACTED] based on a poor credit rating.

5. On October 13, 2010, DHS denied Claimant's application for the reason that Claimant's circumstances did not constitute an emergency.
6. On October 29, 2010, Claimant filed a hearing request with DHS.

CONCLUSIONS OF LAW

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

The ERM is the operating manual for the SER program and, accordingly, I look to the manual to determine what policies and procedures DHS must follow. The manual Item applicable in this case is ERM 301, "Energy Services."

The first paragraphs of ERM 301 set forth the Department Policy in regard to energy services, as follows:

DEPARTMENT POLICY

Low-income households who meet eligibility requirements in this item can receive assistance to help them meet their household heat and electric costs. Funding for energy services assistance is through the Low Income Home Energy Assistance Program (LIHEAP).

COVERED SERVICES

Heating, Electric or Deliverable Fuels

When the group's heating or electric services for their **current residence is or will be shut off**, or **payment is necessary to restore service**, authorize payment for the shutoff or restoration amount to the provider up to the fiscal year cap. Payment must restore or continue the services for at least 30 days. Also, pay the necessary charges to deliver a 30-day supply of a deliverable fuel. A full tank is considered a 30-day supply. ERM 301, p. 1 of 9 (emphasis added).

I read this Item to mean that SER must be denied unless there is an emergency, which is defined in only two ways. The only two emergencies for SER purposes are shutoffs and restorations of services. In this case, I find and conclude that there is neither a shutoff nor a restoration of service. I find and determine that in this case, Claimant is seeking to reestablish her credit rating. Claimant in this case has received word from a third party that she has a poor credit rating, and she believes it is related to a 2009 gas

2011-5637/JL

bill. I agree with DHS that this does not constitute an emergency, and I affirm DHS' denial of SER benefits in this case.

While I am completely sympathetic with Claimant's situation as a homeless person with a three-year-old child to support, I do not believe that Claimant's request for government benefits from the SER program is consistent with the purposes of the program as stated in ERM 301. I understand that purpose to be to assist families threatened with utility shutoff or threatened with health hazards if the family's utility service is not restored. I find and conclude that Claimant is not faced with either of these two threatening situations.

In conclusion, I find and conclude that DHS is AFFIRMED in this case. DHS need take no further action with regard to this case.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides and determines that DHS is AFFIRMED in this matter. DHS need take no further action with regard to this case.



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

Date Signed: January 18, 2011

Date Mailed: January 20, 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.

2011-5637/JL

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/pf

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