

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201219979
Issue No: 5016
Case No: [REDACTED]
Hearing Date: March 8, 2012
Van Buren County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on December 2, 2011. After due notice, a telephone hearing was held on Thursday, March 8, 2012.

ISSUE

Whether the Department of Human Services (Department) properly determined that the Claimant has exceeded the State Emergency Relief (SER) fiscal year benefit cap for home heat energy services?

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 submitting a State Emergency Relief (SER) application requesting energy services for home heat deliverable wood on November 21, 2011.
2. The Claimant had previously submitted a State Emergency Relief (SER) application on October 3, 2011, for home heat propane and was approved for the amount of [REDACTED].
3. On November 23, 2011, the Department denied the Claimant's November 21, 2011, application because he had exceeded the energy services cap and was not eligible to receive additional benefits for deliverable wood.
4. The Department received the Claimant's request for a hearing on December 2, 2012, protesting the denial of his State Emergency Relief (SER) application.

CONCLUSIONS OF LAW

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. Family Independence Agency (FIA or agency) policies are found in the State Emergency Relief Manual (ERM).

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. ERM 301.

The fiscal year cap for energy services for wood is █████ as of October 1, 2011. ERM 301.

In this case, the Claimant applied for energy services on October 3, 2011, for home heat propane. The Department approved the Claimant's application in for benefits totaling █████.

On November 21, 2011, the Claimant submitted another State Emergency Relief (SER) application. The Claimant requested wood-energy services. On November 23, 2011, the Department denied the Claimant's application because he had already received energy service benefits over the █████ fiscal year cap for wood, although the benefits he received were for propane gas.

The Claimant argued that he had not requested energy services for propane, but had requested cooking gas. The Claimant testified that he does not heat his home with propane, but only uses propane for cooking and heating water. The Claimant argued that the October 3, 2011, benefits should not apply towards his energy services fiscal year cap. The Claimant testified that there is a non-working furnace in his home, and that he heats his home exclusively with wood.

The Claimant's State Emergency Relief (SER) application submitted on October 3, 2011, indicates that he is requesting assistance under the category of heat. There October 3, 2011 application does not indicate that the Claimant was requesting cooking fuel assistance. It should also be noted that the fiscal year benefit cap for cooking fuel is \$175.

The Claimant testified that the application for State Emergency Relief (SER) benefits that he submitted on October 3, 2011, was completed in error, and that he had not intended to apply for home heat energy assistance.

This Administrative Law Judge finds that the Department's based its eligibility determination on the best information available and that it processed both of the Claimant's applications for assistance in accordance with policy.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department properly determined that the Claimant had exceeded the State Emergency Relief (SER) fiscal year benefit cap for home heat energy services.

The Department's State Emergency Relief (SER) eligibility determination is **AFFIRMED**. It is SO ORDERED.

/s/
Kevin Scully
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: March 9, 2012

Date Mailed: March 12, 2012

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 60 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.

KS/tb

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