

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

IN THE MATTER OF:



Reg. No.: 2012 35347
Issue No.: 5016
Case No.: [REDACTED]
Hearing Date: June 18, 2012
County: Wayne County DHS (49)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on June 18, 2012, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], ES.

ISSUE

Did the Department properly deny Claimant's request for State Emergency Relief (SER) assistance with energy or utility service(s)?

FINDINGS OF FACT

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

1. On February 16, 2012, Claimant applied for SER assistance with energy or utility service and was approved, subject to a payment of \$1305.41. The Department agreed to pay \$450. Exhibit 3.
2. The Claimant had until 3/7/12 to make his payment but did not do so, nor did he provide proof to the Department that his part of the bill was paid.
3. On 2/16//12, the Department sent notice of the application denial to Claimant.
4. On 2/20/12, the Department received Claimant's hearing request, protesting the SER denial.

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 1999 AC, Rule 400.7001 through Rule 400.7049. Department policies are found in the State Emergency Relief Manual (ERM).

Additionally, SER benefits are in place to assist applicants with safe, decent, affordable housing and other essential needs when an emergency situation arises. ERM 101. 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, the Department may authorize payment directly to the enrolled service provider. ERM 301. The amount of the payment by the Department must be the minimum necessary to prevent shutoff or restore service, up to the fiscal year cap. ERM 301. The fiscal year cap for residential electric is \$450 and for heat is \$450. ERM 301.

In this case, the Department sent Claimant notice that he was required to pay a total of \$1305.41 towards (heat) and the Department would then pay \$450 (the fiscal yearly cap total for heat) in order to restore the service or prevent shutoff. Pursuant to the Department policy, Claimant was required to pay his contribution first before the Department could pay any amounts to the service provider. Claimant testified that he was unable to pay the full amount of his required contribution. Under these facts, the Department established that it acted in accordance with Department policy when it denied Claimant's application for SER assistance based on Claimant's failure to provide proof that he paid his required contribution.

Based on the above Findings of Fact and Conclusions of Law, and for reasons stated on the record, the Administrative Law Judge concludes that the Department
 properly denied improperly denied
Claimant's SER application for assistance with energy and utility services.

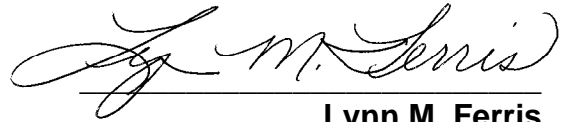
DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for reasons stated on the record, finds that the Department
 did act properly. did not act properly.

Accordingly, the Department's decision is AFFIRMED REVERSED for the reasons stated on the record.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1.



Lynn M. Ferris
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: June 27, 2012

Date Mailed: June 27, 2012

NOTICE: Michigan Administrative Hearing System (MAHS) 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. MAHS 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. (60 days for FAP cases).

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.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
 - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail to:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

LMF/hw

201235347/ LMF

cc:

