

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

**IN THE MATTER OF:**



Reg. No: 201259921  
Issue No: 2015, 5016  
Case No: [REDACTED]  
Hearing Date: July 24, 2012  
Washtenaw County DHS

**ADMINISTRATIVE LAW JUDGE:** Gary F. Heisler

**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. After due notice, a hearing was held on July 24, 2012. Claimant and her [REDACTED] appeared and testified.

**ISSUE**

Did the Department of Human Services properly close Claimant's Transitional Medicaid on July 1, 2012?

Did the Department of Human Services properly deny Claimant's May 22, 2012, State Emergency Relief (SER) application for non-heat electricity?

**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 June 4, 2012, Claimant was sent a Notice of Case Action (DHS-1605) which stated the family's Transitional Medicaid would end on July 1, 2012.
2. On June 4, 2012, Claimant was sent a Decision Notice State Emergency Relief (DHS-1419) which stated her application for State Emergency Relief (SER) had been denied because their energy service was not in shut off status.
3. On June 11, 2012, Claimant submitted requests for hearing on both the June 4, 2012 Notice of Case Action (DHS-1605) and Decision Notice State Emergency Relief (DHS-1419).

## **CONCLUSIONS OF LAW**

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or department) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

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 State Emergency Relief Manual (SER).

At this hearing Claimant's [REDACTED] made all the representations for the benefit group. The issues and concerns raised about Medical Assistance (MA) were all related to an application for Medical Assistance (MA) based on disability for Claimant's [REDACTED] that had been denied in September 2011. There is no jurisdiction to address that denial because the request for hearing was not submitted with 90 days of the written notice of the determination. The other issue raised was the fact that they were currently on a Medical Assistance (MA) spend down case. The notice about the Medical Assistance (MA) deductible case was sent out July 5, 2012, well after the request for hearing in this file. There was no dispute about the Department's testimony that Claimant's benefit group had been on Transitional Medicaid for one year as of July 1, 2012. Department policy provides the following guidance for case workers. The Department's policies are available on the internet through the Department's website.

### **BEM 111 TRANSITIONAL MA DEPARTMENT POLICY MA Only**

This is a FIP-related Group 1 MA category.

TMA eligibility can be considered only after LIF.

Families may receive TMA for up to 12 months when ineligibility for LIF relates to income from employment of a caretaker.

TMA starts the month in which LIF ineligibility began regardless of when the LIF eligibility actually ended.

Do not require a new or updated application or an in-person interview to transfer to TMA.

With regard to the State Emergency Relief (SER) application it was not disputed that at the time of application a payment had been made and their service was no longer facing

imminent shutdown. Claimant's [REDACTED] repeatedly asserted that the DHS seemed to be designed to cause a lot of difficulty for families in need and that while DHS denied the application a local community group had quickly given them assistance. Department policy provides the following guidance for case workers. The Department's policies are available on the internet through the Department's website.

**ERM 301 ENERGY SERVICES  
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 calendar days. Current bills that are not subject to shutoff should not be included in the amount needed.

**DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly closed Claimant's Transitional Medicaid on July 1, 2012 and denied Claimant's May 22, 2012, State Emergency Relief (SER) application for non-heat electricity.

It is ORDERED that the actions of the Department of Human Services, in this matter, are UPHeld.

/s/  
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Gary F. Heisler  
Administrative Law Judge  
for Maura D. Corrigan, Director  
Department of Human Services

Date Signed: July 26, 2012

Date Mailed: July 27, 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 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.

GFH/tb

cc:

