

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2012-63400
Issue No.: 5016
Case No.: [REDACTED]
Hearing Date: February 25, 2013
County: Wayne (76)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

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 conducted from Detroit, Michigan on Monday, February 25, 2013. The Claimant appeared and testified. Participating on behalf of the Department of Human Services ("Department") was [REDACTED].

ISSUE

Did the Department properly deny Claimant's request for State Emergency Relief ("SER") assistance for 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. In June 2012, the Department received the Claimant's application for public assistance seeking SER funds for her utilities. (Exhibit 2)
2. On June 29, 2012, the Department sent a Decision Notice to the Claimant, notifying her that she was approved for assistance provided she met her co-payment of \$761.72. (Exhibit 1)
3. On July 5, 2012, the Department received Claimant's hearing request, protesting the SER co-payment.

CONCLUSIONS OF LAW

The State Disability Assistance (“SDA”) program, which provides financial assistance for disabled persons, is established by 2004 PA 344. The Department of Human Services, formerly known as the Family Independence Agency, administers the SDA program pursuant to MCL 400.10, *et seq.*, and Mich Admin Code, Rules 400.3151 through R 400.3180.

SER prevents serious harm to individuals and families by assisting applicants with safe, decent, affordable housing and other essential needs when an emergency situation arises. ERM 101 (April 2011), p. 1. When heat or electric services for a current residence is in the threat of shut off, or has already been shut off and needs to be restored, payment may be authorized to the enrolled provider. ERM 301 (May 2012), p. 1. The payment must resolve the emergency for at least 30 days. ERM 301, p. 1. To be eligible for energy service assistance, a SER group must make required payments toward their energy service bill(s) based on the group size and service. ERM 301, p. 4. The Department must verify the income and asset co-payment, shortfall, and contribution paid by the client (or other agency) prior to authorizing payment. ERM 301, p. 8.

In this case, the Department approved the Claimant for SER assistance for her utilities provided she met her co-payment of \$761.72. The Claimant was unable to make the payment which resulted in the SER application closing. In light of the foregoing, it is found that the Department established it acted in accordance with department policy when it closed the SER application.

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 acted in accordance with department policy when it closed the Claimant’s SER application.

Accordingly, it is ORDERED:

The Department’s SER determination is AFFIRMED.

Colleen M. Mamelka

Colleen M. Mamelka
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: March 4, 2013

Date Mailed: March 4, 2013

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.

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

CMM/tm

cc:

