

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

**IN THE MATTER OF:**



Reg. No.: 2012-63428  
Issue No.: 5100  
Case No.: [REDACTED]  
Hearing Date: August 15, 2012  
County: Wayne (82-57)

**ADMINISTRATIVE LAW JUDGE:** Robert J. Chavez

**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 August 15, 2012, from Detroit, Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

**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 June 8, 2012, Claimant applied for SER assistance with energy or utility service.
2. On June 8, 2012, the Department sent notice of application approval pending the claimant's contributory payment.
3. On July 9, 2012, the Department received Claimant's hearing request, alleging that the Department never paid the funds they committed.

**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).

Claimant also alleged an FIP denial; however, there has been no negative action with regard to the FIP case as of the date of Claimant's hearing request. Therefore, per BAM 600, which specifies a hearing may only be granted for a negative action, the undersigned is unable to hear allegations with regard to Claimant's FIP case, because there was no negative action.

With regard to the SER case, the notice in question grants SER assistance if Claimant made a payment of \$634.67 for electricity and \$502.01 for heat. By Claimant's own testimony, she had made one payment of \$469 for electricity on July 3, 2012. This is below the required payment amount, and Claimant did not contest the required payment amount. Therefore, as Claimant has not paid the required contribution, the Department could not pay out the SER assistance.

Claimant alleged there was a second notice that only required a payment of \$450 from Claimant. However, Claimant presented no proof of this notice, and the Department was unable to find any history of this notice. Therefore, the Administrative Law Judge finds that Claimant's allegations of a second notice to not be credible.

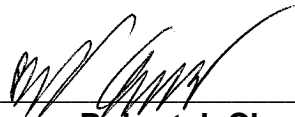
There is no evidence of any error in this case. Claimant was given a contribution amount, and Claimant did not meet the contribution amount. As such, the Department was correct to not pay the assistance.

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.

  
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**Robert J. Chavez**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: August 21, 2012

Date Mailed: August 21, 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.

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

RJC/pf

cc:

