

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2012-13733
Issue No.: 5016
Case No.: [REDACTED]
Hearing Date: March 5, 2012
County: Wayne (82-43)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

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 March 5, 2012, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. 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 or about September 27, 2011, Claimant applied for SER assistance with energy or utility service.
2. It is unknown whether the Department sent notice of the application denial to Claimant.
3. On September 29, 2011, 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, the Department failed to produce sufficient evidence at the hearing to establish the date of the denial of SER benefits, the reason for the denial of SER benefits, and the steps taken to protect the client's right to benefits in this case.

The facts are as follows: in September 2011, Claimant resided at [REDACTED]. The utilities at this address were already shut off. Claimant applied for SER benefits to obtain assistance in having utility service turned on again.

In support of his application, Claimant presented the Department with a DTE Energy Account Statement for [REDACTED]. The Statement gave the customers' names as [REDACTED] residing at [REDACTED].

Pursuant to ERM 301, "Energy Services," a Claimant may receive SER assistance for his "current residence." In this case, Claimant did apply for energy assistance at his current residence, which was [REDACTED]. Claimants living in a rental unit can receive SER benefits, regardless of the name of the customer on the bill. *Id.*

It is found and determined that Claimant submitted an Account Statement with his correct, current residential address of [REDACTED]. The Department erred in finding that the Statement did not match with Claimant's current address. In fact, the service address and Claimant's address are the same: [REDACTED]. If the Department needed further information regarding rental arrangements, ownership verification, etc., it was required to ask Claimant for that information. The Department failed to take this step.

It is found and determined that the Department summarily denied Claimant's application without protecting his right to benefits. The Department, pursuant to BAM 105, "Rights and Responsibilities," has a duty to protect the clients' rights to benefits.

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

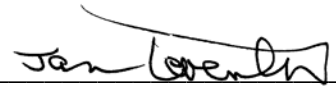
The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for reasons stated on the record, finds that the Department

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. Reinstate Claimant's SER case;
2. Initiate procedures to review Claimant's application, taking into proper consideration Claimant's proof of residence at 196 Toledo;
3. Initiate procedures to issue a written approval or denial of Claimant's application with the reasons for the decision state therein.
4. All steps shall be taken in accordance with Department policy and procedure.



Jan Leventer
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: March 6, 2012

Date Mailed: March 6, 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.

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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

JL/pf

cc:

