

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2012-3578
Issue Nos.: 1014, 5016
Case No.: [REDACTED]
Hearing Date: January 18, 2012
County: Macomb (50-20)

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 January , from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of 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) and Claimant's request for Direct Support Services (DSS) for her car?

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 September 1, 2011, Claimant applied for SER assistance with energy and utility service and with her water bill.
2. On September 6, 2011, the Department sent notice of the application denial to Claimant.
3. On September 13, 2011, the Department received Claimant's hearing request, protesting the SER denial.
4. On September 21, 2011, Claimant submitted an application for assistance with her car (Direct Support Services program).

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).

Direct Support Services (DSS) is a program to provide goods and services to help families achieve self-sufficiency. There is no entitlement to DSS benefits. The decision to authorize DSS is within the discretion of the DHS or the MichiganWorks! Agency (MWA). BEM 232, "Direct Support Services."

With regard to Claimant's water bill, there is no evidence in the record that Claimant's water was going to be shut off or other action taken that would affect her receipt of water and sewer services.

With regard to Claimant's utility bill, the evidence established that a Department error occurred which was corrected. The Department approved a co-payment for Claimant's utility bill, but Claimant was unable to pay her co-payment portion and did not receive Department assistance for that reason.

Finally, with regard to Claimant's request for DSS benefits, this request was not made until after Claimant's Hearing Request and is not appropriately before the Administrative Law Judge. The issue of DSS benefits is accordingly DISMISSED.

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.

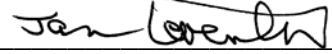
The Administrative Law Judge further DISMISSES Claimant's request for consideration of DSS benefits.

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 SER decision is AFFIRMED REVERSED for the reasons stated on the record.

Also, Claimant's request for consideration of DSS benefits is DISMISSED and Claimant reserves the right to request a hearing on this issue following appropriate procedures.



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

Date Signed: January 23, 2012

Date Mailed: January 23, 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

JL/pf

cc:

