

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

IN THE MATTER OF:

[REDACTED]

Reg. No. 2012-50105
Issue No. 5016
Case No. [REDACTED]
Hearing Date: September 6, 2012
Wayne County DHS (17)

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 upon the Claimant's request for a hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on Thursday, September 6, 2012. The Claimant appeared and testified. Participating on behalf of the Department of Human Services ("Department") was [REDACTED].

ISSUE

Whether the Department properly denied the Claimant's State Emergency Relief ("SER") application due to lack of a shut-off notice, thus, lack of emergency?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. On April 12, 2012, the Claimant submitted a SER application seeking assistance with her gas and electric services.
2. The Claimant submitted a shut-off notice with an account balance as of February 23, 2012 of \$2,577.86. (Exhibit 1)
3. The Claimant also submitted an over due notice for an account balance as of March 23, 2012 of \$2,645.84. (Exhibit 2)
4. On April 19, 2012, the Department consulted with the utility provider to confirm the emergency.

5. On this date, the Claimant's did not have an active account. (Exhibit 3)
6. On April 19, 2012, the Department sent a SER Decision Notice to the Claimant informing her that the SER request was denied. (Exhibit 4)
7. On May 3, 2012, the Department received the Claimant's written request for hearing.

CONCLUSIONS OF LAW

The State Emergency Relief 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, formerly known as the Family Independence Agency, policies are found in the Emergency Relief Manual ("ERM").

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 (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 (2012), p. 1. The payment must resolve the emergency for at least 30 days. ERM 301, p. 1.

In this case, the Claimant applied for SER assistance for her gas and electric services. In support, the Claimant submitted a shut-off notice for an account balance as of February 23, 2012. The Claimant also submitted an over-due notice for an account balance as of March 23, 2012. Importantly, on this overdue notice, it indicates that the Claimant's case is closed. The Department verified with the utility provider the status of the Claimant's account. The account was closed. During the hearing, the Claimant asserted that her service was still active, despite the documentary evidence. Ultimately, based on the submitted record, establishing no current shut-off notice and, thus, no emergency, the Department properly denied the Claimant's SER request.

In light of the foregoing, the Department established it acted in accordance with policy when, based on the documentation submitted by the Claimant which was verified with the utility provider, it denied the SER request based on not having a current shut-off notice. Accordingly, the Department's determination is AFFIRMED.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law finds the Department established it acted in accordance with Department policy when it denied the Claimant's SER assistance.

Accordingly, it is ORDERED:

The Department's determination is AFFIRMED.

Colleen M. Mamelka

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

Date Signed: September 25, 2012

Date Mailed: September 25, 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. (60 days for FAP cases)

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.

2012-50105/CMM

- 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
Re consideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

CMM/cl

cc: [REDACTED]
Wayne County DHS (17)

C. [REDACTED]
Mamelka