

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201276791
Issue No.: 5016
Case No.: [REDACTED]
Hearing Date: March 21, 2013
County: Wayne DHS (43)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 21, 2013, from Detroit, Michigan. Participants included the above-named claimant. Participants on behalf of Department of Human Services (DHS) included [REDACTED], Supervisor, and [REDACTED] Specialist.

ISSUE

The issue is whether DHS properly denied Claimant's application for State Emergency Relief.

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 8/23/12, Claimant applied for SER seeking assistance with a gas and electric bill.
2. Claimant's SER application listed \$0 in income and assets.
3. At the time of Claimant's application, Claimant owed the energy service provider a past due amount of \$367.38.
4. On 8/23/12, DHS denied Claimant's SER application due to an asset and/or income copayment exceeding the past due amount.
5. On 9/4/12, Claimant requested a hearing disputing the application 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).

SER is a program which offers assistance for various client emergencies. Clients may seek assistance through SER for any of the following: heat or gas bills, water bills, electricity bills, home repairs, rent or mortgage arrearages, relocation expenses including rent and security deposit, food, burials or migrant hospitalization.

The present case involves an SER request for a shut-off threat to Claimant's energy service. DHS denied Claimant's application on the basis that Claimant's assets and/or income exceeded the amount needed to prevent the emergency. SER budget procedures determine an income and asset copayment which must be paid prior to issuing SER service. ERM 208 (10/2011), p. 1. If the client copayment exceeds the amount being sought, the SER is to be denied. *Id.*

DHS alleged that Claimant had \$419.82 in assets at the time of SER application. Presumably, DHS assumed that Claimant had these assets at the time of SER application because that was the amount of assets inputted into the DHS database at an earlier time. DHS conceded that Claimant's SER application reported no assets for Claimant. DHS also conceded that no attempt was made to verify Claimant's updated asset amount. Because DHS failed to consider Claimant's updated asset amount, the SER denial is found to be improper.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly denied Claimant's application for SER benefits. It is ordered that DHS:

- reinstate Claimant's SER application, dated 8/23/12;
- initiate processing of Claimant's application subject to the finding that Claimant reported \$0 assets on her application; and
- supplement Claimant for any benefits not received as a result of the improper denial, including applying the payments to Claimant's 2012 SER fiscal cap.

The actions taken by DHS are REVERSED.



Christian Gardocki
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 3/29/2013

Date Mailed: 3/29/2013

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. (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.
- 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

CG/hw

