

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

**IN THE MATTER OF:**



Reg. No.: 2013-10087  
Issue No.: 5022  
Case No.: [REDACTED]  
Hearing Date: April 29, 2013  
County: Wayne (82-76)

**ADMINISTRATIVE LAW JUDGE:** Jonathan W. Owens

**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, an in-person hearing was held on April 29, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and [REDACTED]. The Department of Human Services (Department) failed to appear for the 1 p.m. hearing. As a result, the hearing proceeded without the Department at 1:38 p.m.

**ISSUE**

Whether the Department properly denied the Claimant's request for State Emergency Relief (SER)?

**FINDINGS OF FACT**

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

1. Claimant applied for State Emergency Relief (SER) in November 2012.
2. On November 7, 2012, the Department  
 denied Claimant's application       closed Claimant's case  
due to the Detroit Edison (DTE) account not being in his name.
3. On November 7, 2012, the Department sent  
 Claimant       Claimant's Authorized Representative (AR)  
notice of the       denial.       closure.
4. On November 8, 2012, Claimant filed a hearing request, protesting the  
 denial of the application.       closure of the case.

**CONCLUSIONS OF LAW**

Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

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).

In the instant case, Claimant applied for SER assistance for a shut off for the residence at [REDACTED]. At the time of application, the bill outstanding was on an account in Claimant's ex-wife's name. The bill was not in his name. The property in question was also not in Claimant's name. Claimant had not been living at the residence during the time period to which the bill in question pertained. Claimant returned to Michigan after his ex-wife had passed away.

The Department indicated the denial of the SER benefits was based upon the bill in question not being in Claimant's name. In addition the Department noted on the hearing summary the SER requested would not resolve the emergency. The Department failed to appear for the hearing timely even after repeated attempts to locate a person to represent. Therefore, the only evidence consisted of the hearing summary completed by the Department on November 9, 2012, and the account statement dated November 9, 2012.

ERM 301 (October 2012), p. 4, regarding energy services requires the name on the energy account bill must match the head of household name or the head of household's spouse's name. It is not sufficient to be in the name of a living-together partner. The spouse must be active on the head of household's case. As indicated above, the bill submitted by Claimant was not in Claimant's name nor his "spouse's" name since Claimant was divorced.

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that the Department

- properly denied Claimant's application       improperly denied Claimant's application  
 properly closed Claimant's case               improperly closed Claimant's case

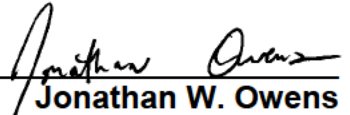
for:    AMP    FIP    FAP    MA    SER    CDC.

**DECISION AND ORDER**

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

- did act properly.               did not act properly.

Accordingly, the Department's  AMP  FIP  FAP  MA  SER  CDC decision is  AFFIRMED  REVERSED for the reasons stated on the record.

  
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**Jonathan W. Owens**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: May 6, 2013

Date Mailed: May 6, 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 affect the substantial rights of the claimant:
  - 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

JWO/pf

cc:

