

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

IN THE MATTER OF:

████████████████████
████████████████████
████████████████████

Reg. No.: 2013-29390
Issue No.: 5016
Case No.: ██████████
Hearing Date: June 5, 2013
County: Wayne (19)

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 June 5, 2013, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████ ██████████, Family Independence Manager and ██████████, Eligibility Specialist.

ISSUE

Did the Department properly deny Claimant's application close Claimant's case for:

- | | |
|---|---|
| <input checked="" type="checkbox"/> State Emergency Relief (SER)? | <input type="checkbox"/> Adult Medical Assistance (AMP)? |
| <input type="checkbox"/> Food Assistance Program (FAP)? | <input type="checkbox"/> State Disability Assistance (SDA)? |
| <input type="checkbox"/> Medical Assistance (MA)? | <input type="checkbox"/> Child Development and Care (CDC)? |

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 benefits received benefits for:

- | | |
|---|---|
| <input checked="" type="checkbox"/> State Emergency Relief (SER). | <input type="checkbox"/> Adult Medical Assistance (AMP). |
| <input type="checkbox"/> Food Assistance Program (FAP). | <input type="checkbox"/> State Disability Assistance (SDA). |
| <input type="checkbox"/> Medical Assistance (MA). | <input type="checkbox"/> Child Development and Care (CDC). |

2. On February 1, 2013, the Department denied Claimant's application closed Claimant's case due to a lack of an emergency situation.
3. On February 1, 2013, the Department sent Claimant Claimant's Authorized Representative (AR) notice of the denial. closure.
4. On February 6, 2013, 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).

Additionally, ERM 301, "Energy Services," is the Department policy for determining eligibility and providing benefits for utility assistance. BEM 301 requires that

The bill must be connected to the group's current address. If the bill, including old or transferred balances, must be paid to start or maintain service at the current or new address, payment may be authorized up to the fiscal year cap, as long as the payment resolves the emergency. Department of Human Services Emergency Relief Manual (ERM) 301 (2013), p. 3.

The evidence in this case consists of a DTE Energy Payment Coupon, entitled "Special Notification." It is not a billing statement or a shutoff notice. It does not require any payment whatsoever. It is comparable to a monthly credit card or bank account activity statement. Dept. Exh. 1, p. 3.

The Notification shows a July 13, 2012 balance of \$1,480.49. It advises that when current charges are added and prior cancelled charges are subtracted, the January 10, 2013 balance will be \$1,430.45. Under the heading Important Information, the Notification states, "REMINDER: This is not your final bill. Any credit will be applied to your final bill scheduled to be sent on July 6, 2012."

From the information on the Notification, it appears that it was issued in July, 2012, and that it is an account statement advising Claimant of her current account balance. The Notification does not require minimum or full payment. *Id.*

The next step in this case is to apply the requirements of ERM 301 to the Notification to determine if it meets the ERM 301 emergency requirements. The Notification is entitled "Special Notification," and it contains no instruction that it must be paid in order to maintain service at the current address. In fact, the Notification contains no requirement that an amount must be paid in order to maintain or provide new service. It is only an advisory notice, no more and no less, and it does not indicate that an emergency exists for which SER is intended to provide assistance. It is found and determined that an emergency situation did not exist in this case, and the Department acted correctly in denying Claimant's application. The Department's action is affirmed.

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

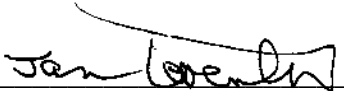
- properly denied Claimant's SER application.
- improperly denied Claimant's application.
- properly closed Claimant's case.
- improperly closed Claimant's case.

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



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

Date Signed: June 11, 2013

Date Mailed: June 12, 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

JL/tm

cc:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]