

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 201332417  
Issue No.: 5016  
Case No.: [REDACTED]  
Hearing Date: May 2, 2013  
County: Wayne (35)

**ADMINISTRATIVE LAW JUDGE:** Alice C. Elkin

**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 May 2, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of Department of Human Services (Department) included [REDACTED], Assistance Payment Worker, and [REDACTED], Assistance Payment Worker.

**ISSUE**

Did the Department properly deny Claimant's January 31, 2013 application for State Emergency Relief (SER) assistance with outstanding water bills?

**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 January 31, 2013, Claimant applied for SER assistance with energy or utility service.
2. On February 4, 2013, the Department denied the application, finding that Claimant did not have an emergency.
3. On March 7, 2013, the Department received Claimant's hearing request, protesting the SER 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).

Additionally, SER assistance is available to assist with a client's payment of an arrearage to maintain or restore service for water and sewer services and is intended to prevent or restore the shut off of a utility. ERM 302 (October 2011), p 1.

On January 31, 2013, Claimant applied for SER assistance with her outstanding water bill and included a "Delinquent Notice" dated December 27, 2012, from the [REDACTED] [REDACTED] indicating that \$603.68 was due.

On February 4, 2013, the Department denied Claimant's application on the basis that Claimant did not have an emergency. A SER payment must resolve the emergency. ERM 103 (August 2012), p 3. At the hearing, the Department worker testified that Claimant's request for SER assistance in connection with her outstanding water bill was denied because when she called the [REDACTED] for information concerning Claimant's bill, she was informed that the city would not send shut-off notices to clients until March 1, 2013 and that actual shut-offs would begin April 2013 through June 2013.

The Department must verify actual or possible shutoff of water, sewer or cooking gas service through either (i) a disconnect notice from the utility; (ii) information from the utility provider's secure website; (iii) an overdue or delinquency notice when the water or sewer is not disconnected but the arrearage is added to the local tax bill; or (iv) the client's statement of need for cooking fuel. ERM 302, p 3. In this case, the "Delinquent Notice" Claimant submitted to the Department with her SER application clearly provided that "[y]our water bill is PAST DUE, and will be shut off if not paid in full by 4:30 p.m. by Friday, February 1, 2013." The Delinquent Notice clearly informed Claimant that her water services would be shut off if she did not pay her outstanding balance by February 1, 2013. Although a worker at the [REDACTED] informed the Department that the shut-off was delayed to after April 2013, the Department was not advised that Claimant's outstanding balance was no longer due or that the shut-off procedures against Claimant had been terminated. Under these circumstances, the notice Claimant provided to the Department was sufficient verification under policy of an intended shut-off and the call to the [REDACTED] showed that an emergency concerning Claimant's water services continued. Thus, the Department did not act in accordance with Department policy when it denied Claimant January 31, 2013, SER application for assistance with her outstanding water bill.

**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 not act in accordance with Department policy when it denied Claimant's SER application for assistance with energy and utility services.

Accordingly, the Department's decision is REVERSED.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reregister Claimant's January 31, 2013 SER application for assistance with water and sewer services;
2. Begin reprocessing the application in accordance with Department policy;
3. Provide payment that Claimant is eligible to receive to Claimant's service provider in accordance with Department policy; and
4. Notify Claimant in writing of its decision in accordance with Department policy.



**Alice C. Elkin**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: 5/9/2013

Date Mailed: 5/9/2013

**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.

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

ACE/hw

cc:

