

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

IN THE MATTER OF:



Reg. No.: 201332852
Issue No.: 5018
Case No.: [REDACTED]
Hearing Date: June 12, 2013
County: Wayne County (#57)

ADMINISTRATIVE LAW JUDGE: MICHELLE HOWIE

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's March 1, 2013 request for a hearing. After due notice, a telephone hearing was conducted on Wednesday, June 12, 2013, from Detroit, Michigan. The Claimant appeared and testified. Participants on behalf of Department of Human Services (Department) included [REDACTED] (Eligibility Specialist) and [REDACTED] (Family Independence Manager).

ISSUE

Whether the Department properly processed 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. The Department received Claimant's SER request for DTE energy services assistance.
2. On January 7, 2013, the Department sent an SER Decision Notice informing Claimant that the request was approved; and the Department would pay a total of \$900 pending proof that Claimant made a payment of \$1,603.67 by February 1, 2013. (Exhibit 1)

3. On February 1, 2013, an outside Agency made a payment of \$2,110.00 to DTE on Claimant's behalf. (Exhibit 2)
4. The Department did not make the approved SER payment.
5. On March 1, 2013, the Department received Claimant's written hearing request concerning the Department's failure to make the SER payment.

CONCLUSIONS OF LAW

The Department of Human Services (DHS) 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 Mich Admin Code, Rules 400.7001 through Rule 400.7049. Department of Human Services', formerly known as the Family Independence Agency, policies are found in the Emergency Relief Manual ("ERM"). SER assists individuals and families to resolve or prevent homelessness by providing money for rent, security deposits, and moving expenses. ERM 303 (August 2012), p. 1.

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 (October 2011) p. 1. SER helps to restore or prevent shut off of energy/utility services to include water services. ERM 302 (October 2011), p. 2. SER group members must use their available income and cash assets that will help resolve the emergency. Bridges system determines eligibility or ineligibility for each SER application and service requested. The Department verifies the information, certifies the eligibility results and authorizes the payment. The energy required payment must be met by the Claimant before any payment will be authorized by the Department. Policy provides that before the Department can authorize any portion of the cost of services, it must verify that any income/ asset copayment, shortfall, and/or contribution have been paid by the client or will be paid by another agency. ERM 302, p. 3. If another agency is making the payment, proof that payment will be made is required. Verification of payment must be received in the local office within the 30-day eligibility period or no SER payment will be made and the client must reapply. The Department may verify the payment was made by receipts from the provider(s), statement from the provider(s), phone call/fax/email from the provider(s)/ agency, provider's secure website; or provider's electronic interface data. ERM 301 (October 2011), p 8.

In this case, the Department approved the Claimant's SER application, requiring the Claimant make a payment of \$1, 603.67 by February 1, 2013. An outside agency (THAW) made the payment on February 1, 2013. Claimant's testimony that she notified the Department worker that an outside agency was making the payment on her behalf

prior to February 1, 2013 was not refuted. The Department worker confirmed that she spoke with the Claimant about the outside agency making the payment between February 1 and March 1, 2013, but could not recall the dates of the communication. Claimant further testified that she understood that the outside agency contacted the Department to verify that a payment was being made on her behalf. The Department asserts that because the Claimant did not provide proof in writing that the payment was made by the due date it was not required to authorize the SER payment. Evidence indicates the Department clearly had notice that an outside agency was making the payment for the Claimant within the 30 day eligibility period; and in fact did by the due date. The Department could have verified that the required payment was received by the provider (DTE). Nothing in the record indicates the Claimant was told by the Department that she needed to provide something more than notice that the outside agency was making the payment. Under the circumstances of this case, the Department did not establish by a preponderance of the evidence that it acted in accordance with policy when it failed to authorize the SER payment for energy services.

Accordingly, the Department action is not UPHeld.

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 not act properly in regards to Claimant's request for SER benefits.

Accordingly, the Department's SER determination is hereby, REVERSED.

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

1. The Department shall authorize the approved SER payment for energy services in accordance with policy if Claimant was otherwise eligible and qualified.
2. The Department shall notify Claimant in writing regarding the action taken.

M. Howie

Michelle Howie
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 6/20/2013

Date Mailed: 6/20/2013

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

MH/hw

cc:

