

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

IN THE MATTER OF:



Reg. No.: 2013-43095
Issue No.: 5016
Case No.: [REDACTED]
Hearing Date: June 5, 2013
County: Wayne (82-31)

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 June 5, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of Department of Human Services (Department) included [REDACTED].

ISSUE

Did the Department properly process Claimant's request for State Emergency Relief (SER) assistance with energy or utility service(s)?

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 April 10, 2013, Claimant applied for SER assistance with energy or utility service.
2. On April 15, 2013, the Department sent notice of the application decision to Claimant.
3. On April 17, 2013, the Department received Claimant's hearing request, protesting the SER decision.

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, Claimant applied for SER assistance with her electric services on April 10, 2013. On April 15, 2013, the Department sent Claimant a SER decision notice informing her that the Department would pay \$850 towards her electrical services after she established that she paid her contribution of \$896. Claimant had until May 9, 2013, to show proof of her payment of her contribution amount.

Claimant filed a hearing request on April 17, 2013, concerned about her copay. The Department is authorized to pay an energy provider the minimum necessary to prevent shutoff or restore service, up to the fiscal year cap. ERM 301 (March 1, 2013). At the time of Claimant's April 10, 2013, SER application, the cap available to Claimant for assistance by the Department for residential electric was \$850. ERM 301, p. 10. Thus, the Department was limited by policy to paying \$850 towards Claimant's outstanding electrical bill.

In this case, Claimant acknowledged that her outstanding balance for electrical services was \$1,746. In the April 15, 2013 SER Decision Notice sent to Claimant, the Department advised her that it would pay \$850 towards the outstanding balance upon verification that Claimant paid \$896, the difference between the \$1,746 due and the \$850 the Department agreed to pay to the provider. Department policy requires a client to pay any required copayment before the Department can authorize its payment to the provider. ERM 301, p. 4. Thus, the Department acted in accordance with Department policy when it limited its payment to the electrical services cap of \$850 and required Claimant to pay \$896 before it would issue its payment to the provider.

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 acted in accordance with Department policy when it processed Claimant's SER application.

Accordingly, the Department's SER decision is AFFIRMED.



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

Date Signed: June 12, 2013

Date Mailed: June 13, 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 affect 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/pf

cc:

