

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No: 201328828  
Issue No: 5000  
Case No: [REDACTED]  
Hearing Date: March 13, 2013  
Ionia County DHS

**ADMINISTRATIVE LAW JUDGE:** Suzanne D. Sonneborn

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing received by the Department of Human Services (department) on February 11, 2013. After due notice, a telephone hearing was held on March 13, 2013. Claimant appeared and provided testimony. Claimant's wife, [REDACTED], also appeared and provided testimony on Claimant's behalf. The department was represented by [REDACTED], an eligibility specialist with the department's Ionia County office.

**ISSUE**

Whether the department properly denied Claimant's application for State Emergency Relief (SER) assistance?

**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 February 1, 2013, Claimant submitted to the department a SER application (DHS 1514), requesting assistance in paying his heat and electricity costs. (Department Exhibit A)
2. On February 1, 2013, the department mailed Claimant a State Emergency Relief Decision Notice (DHS-1419) advising Claimant that his February 1, 2013 application for SER assistance with electricity in the amounts of \$ [REDACTED] and \$ [REDACTED] for non-heat electricity and heat-natural gas/wood/other, respectively, had been denied for the reason that Claimant's countable income is higher than the maximum amount allowed for the program. (Department Exhibits B, C, D)

3. On February 7, 2013, Claimant submitted a hearing request protesting the department's denial of his SER application. (Request for a Hearing)

### **CONCLUSIONS OF LAW**

Clients have the right to contest a department decision affecting eligibility for benefit levels whenever it is believed that the decision is incorrect. BAM 600. The department provides an administrative hearing to review the decision and determine its appropriateness of that decision. BAM 600. The regulations that govern the hearing and appeal process for applicants and recipients of public assistance in Michigan are contained in the Michigan Administrative Code (Mich Admin Code) Rules 400.901 through 400.951. An opportunity for a hearing shall be granted to a recipient who is aggrieved by an agency action resulting in suspension, reduction, discontinuance, or termination of assistance. Mich Admin Code 400.903(1).

The State Emergency Relief (SER) program was established by 2004 PA 344. The SER program is administered pursuant to MCL 400.10, *et seq.*, and by final administrative rules filed with the Secretary of State on October 28, 1993. MAC R 400.7001-400.7049. Department of Human Services (DHS or department) policies are found in the State Emergency Relief Manual (ERM).

Low-income households who meet eligibility requirements can receive assistance to help them meet their household heat and electric costs. Funding for energy services assistance is provided through the Low Income Home Energy Assistance Program (LIHEAP). ERM 301.

There is no income copayment for energy-related services. The household income must be at or below the LIHEAP income limit for the group to qualify for SER. ERM 301. SER income need standards for energy/LIHEAP services are set forth in Exhibit II to ERM 208. According to Exhibit II to ERM 208, effective October 15, 2012, the monthly income limit for a group size of four is \$ [REDACTED] ERM 208.

On February 1, 2013, the department mailed Claimant a State Emergency Relief Decision Notice (DHS-1419) advising Claimant that his February 1, 2013 application for SER assistance with electricity in the amounts of \$ [REDACTED] and \$ [REDACTED] for non-heat electricity and heat-natural gas/wood/other, respectively, had been denied for the reason that Claimant's countable income is higher than the maximum amount allowed for the program. However, during the March 13, 2013 hearing, the department representative acknowledged that the department had erroneously calculated Claimant's monthly income and that, in fact, Claimant's monthly income did not exceed the \$ [REDACTED] monthly income limit for the LIHEAP program and it was therefore department error to have denied Claimant's application for SER assistance. The department representative therefore agreed to reinstate Claimant's February 1, 2013 SER application.

Consequently, this Administrative Law Judge finds, based on the competent, material, and substantial evidence presented during the hearing, that the department improperly denied Claimant's February 1, 2013 application for SER assistance for his heat and electricity expenses.

**DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department improperly denied Claimant's February 1, 2013 application for SER assistance for his heat and electricity expenses. Accordingly, the department's actions are **REVERSED** and the department is ordered to reinstate and retroactively approve Claimant's eligibility for SER assistance for his heat and electricity expenses at the time of his original application in accordance with the applicable department policy and award Claimant such SER assistance that he would have been entitled to but for the department's error.

It is **SO ORDERED**.

/s/ \_\_\_\_\_

Suzanne D. Sonneborn  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: March 21, 2013

Date Mailed: March 22, 2013

**NOTICE:** Michigan Administrative Hearings 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 Order. MAHS will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 60 days of the filing of the original request.

The Claimant may appeal this Order to Circuit Court within 30 days of the receipt of the 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,

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- Typographical errors, mathematical errors, or other obvious errors in the hearing decision that affect the substantial rights of 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 System  
Reconsideration/Rehearing Request  
P.O. Box 30639  
Lansing, MI 48909-07322

SDS/cr

cc:

