

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 201338391  
Issue No.: 5016  
Case No.: [REDACTED]  
Hearing Date: July 11, 2013  
County: Wayne County (#19)

**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 request for a hearing. After due notice, a telephone hearing was conducted on Thursday, July 11, 2013, from Detroit, Michigan. The Claimant appeared and testified. Participant on behalf of Department of Human Services (Department) was [REDACTED] (Family Independence Manager).

**ISSUE**

Did the Department properly deny 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 March 12, 2013, Claimant applied for SER assistance with energy or utility service (Water Bill).
2. On March 14, 2013, the Department sent notice of the SER decision to Claimant approving the request provided payment of \$575.11 was made by April 10, 2013. The Department agreed to pay \$116.67. (Exhibit 4).
3. On March 29, 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, R 400.7001 through Rule 400.7049. Department policies are found in the State Emergency Relief Manual (ERM).

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. SER helps to restore or prevent shut off of a utility service to include water services. ERM 302 (March 2013) SER group members must use their available income and cash assets that will help resolve the emergency. Any utility required payment or co-payment must be met before utility services are authorized. Required payments are determined based on the group size, the group's income and the obligation to pay for the service that existed during each month of the six months prior to application. ERM 208, p. 3. If the client failed without good cause to make required payments, a short fall amount is determined. Any SER shortfall payments cannot be waived. Before, the Department can authorize a payment for a client it must verify that the income and/or asset copayment, shortfall, and contributions have been paid by the client or will be paid by another agency. The Department will only authorize payment up to the fiscal year cap if it will resolve the emergency. The fiscal year cap for water bill service is \$175.00. (ERM 302).

In this case, Claimant requested assistance with a water bill in the amount of \$691.78. The Department approved the Claimant's SER application requiring Claimant make a payment of \$575.11, which included an unmet shortfall payment of \$60, income/ copayment of \$58.33 and contributions of \$456.78. Claimant argues that he is unable to make the required payment because of limited means. While the undersigned does sympathize with the Claimant, there is no jurisdiction to change or alter Department policy or state law. The evidence on record establishes the Department acted in accordance with policy in determining the SER payment amount. (ERM 302).

Accordingly the Department's action is UPHELD.

### **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 established it did act properly.

Accordingly, the Department's SER decision is hereby, **AFFIRMED**.

*M. Howie*

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

Date Signed: 7/24/2013

Date Mailed: 7/24/2013

**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

MH/hw

cc:

