

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201348346
Issue No.: 5016
Case No.: [REDACTED]
Hearing Date: July 17, 2013
County: [REDACTED]

ADMINISTRATIVE LAW JUDGE: C. Adam Purnell

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 July 17, 2013 from Lansing, Michigan. Claimant personally appeared and provided testimony. Participants on behalf of the Department of Human Services (Department) included [REDACTED] (Eligibility Specialist) and [REDACTED] (Family Independence Manager).

ISSUE

Did the Department properly refuse to pay for Claimant's heat/energy bill payment regarding his application for State Emergency Relief (SER) assistance?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. On February 20, 2013, Claimant applied for SER assistance with heat.
2. On February 22, 2013, the Department sent Claimant notice that the Department would pay \$22.57 and Claimant must pay \$59.64 of the total \$82.21 bill.
3. On May 20, 2013, the Department received Claimant's hearing request, protesting the Department's failure to pay the \$22.57 portion of the bill.

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). SER assists applicants with safe, decent, affordable housing and other essential needs when an emergency situation arises. ERM 101.

ERM 101 sets forth the general requirements for SER. SER applicants must meet all of the following: (1) complete the application process; (2) meet financial and non-financial requirements; (3) have an emergency which threatens health or safety and can be resolved through issuance of SER; (4) take action within their ability to help themselves (i.e., obtain potential resources and/or apply for assistance); (5) not have caused the emergency (See ERM 204, Client-Caused Emergencies); and (6) cooperate in providing information about income, assets, living arrangements, and other persons living in the home. ERM 101.

As a condition of SER eligibility, all the adults in the SER group must agree to take actions within their ability to make potential resources available. ERM 203. Potential resource means an asset or income that may be available to a client if action is taken to make this available. ERM 203. The Department may not require the SER group to apply for loans, including home equity loans from financial institutions or individuals. ERM 203. Pursuing a potential resource increases the group's ability to resolve their emergency with the additional income or asset. ERM 203.

SER does not assist a group who failed to use their available money to prevent a shelter, energy or utility emergency. ERM 204. A client-caused emergency is when an SER group fails to pay required payments for the six month period prior to the month of application. ERM 204. Note: This does not apply to categorically eligible cases; see ERM 301, Energy Services. ERM 204.

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

When the group's heat or electric service for their current residence is in threat of shutoff or is already shut off and must be restored, payment may be authorized to the enrolled provider. ERM 301. **The amount of the payment is the minimum necessary to prevent shutoff or restore service, up to the fiscal year cap. ERM 301. Payment must resolve the emergency by restoring or continuing the service for at least 30 calendar days. ERM 301. Current bills that are not subject to shutoff should not be included in the amount needed. ERM 301.**

Energy required payments are met if the amounts paid by the group for heating fuel and/or electricity equal or exceed the table amounts for the required payment period.

ERM 301. Required payments must be met for each month the SER group has an obligation to pay for the service. ERM 301. Failure to make required payments may result in a shortfall. ERM 301.

The Department must verify that required payments have been made by any of the following: (1) receipts from the provider(s); (2) statement from the provider(s); (3) phone call/fax/email from the provider(s); (4) provider's secure website; (5) provider's electronic interface data, located on the PDF of an online application. ERM 301.

The Department must verify an actual or threatened shutoff or the need for reconnection of natural gas or electricity, by contacting the energy company. ERM 301. Contact can be in the form of a written notice, telephone call, fax, email or information on the provider's secure website. ERM 301. The case file must contain documentation of this verification. ERM 301.

A bill must be obtained before authorizing a payment. ERM 301. In the absence of an actual bill, fax or email received directly from the energy provider, a scanned copy of the bill is also acceptable as long as it includes all the pertinent information that would be included on the actual bill. ERM 301.

Photocopies of bills are not accepted. ERM 301. The original bill, including scanned copies, fax, email or DHS-223 must be attached to the original DHS-849 and forwarded to the fiscal unit. ERM 301. See ERM 401, Payments, for the proper use of the DHS-849.

The Department will not authorize any payment that will not resolve the current emergency, even if the payment is within the fiscal year cap. ERM 302.

The Department will verify that the SER group has made required payments by:

- A statement from the provider.
- Utility payment receipts.
- Fax/email/phone call from the provider.
- Information from provider's secure website. ERM 302.

Here, Claimant requested assistance with a heat bill from [REDACTED]. On February 20, 2013, Claimant applied for SER and provided the Department with a shut-off notice for a total account balance of \$168.28; however, Claimant's previous bill for January was \$82.21. The Department processed the application and determined that Claimant's portion of the bill was \$59.64. The Department advised Claimant that he must provide the Department with an original receipt of the payment, not a copy of his check. On March 19, 2013, Claimant provided the Department with a copy of his most recent [REDACTED] bill which indicated that he had paid \$145.71 and was no longer in shut off status. Although Claimant resolved his emergency by paying [REDACTED] the amount necessary to resolve the emergency, Claimant requested the Department pay the \$22.57 per the decision notice.

The Department correctly refused to provide Claimant with the \$22.57 payment. As stated above, the Department will not authorize any payment that will not resolve the current emergency, even if the payment is within the fiscal year cap. See ERM 302. Because Claimant resolved his own emergency by paying [REDACTED], he no longer had a need for heating assistance that required Department assistance.

Based upon the above Findings of Fact and Conclusions of Law, the Administrative Law Judge concludes that the Department properly denied Claimant's SER assistance with heating assistance payment.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, finds that the Department did act properly.

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

/s/ _____
C. Adam Purnell
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: July 22, 2013

Date Mailed: July 23, 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 affect the substantial rights of the claimant,
 - failure of the ALJ to address other relevant issues in the hearing decision.

201348346/CAP

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

CAP/aca

cc:

