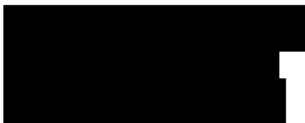


STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No.: 2013-51176
Issue No.: 5022
Case No.: [REDACTED]
Hearing Date: August 8, 2013
County: Wayne County DHS (35)

ADMINISTRATIVE LAW JUDGE: Eric Feldman

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 August 8, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Partnership. Accountability. Training. Hope. (PATH) specialist.

ISSUE

Did the Department properly deny Claimant's request for State Emergency Relief (SER) assistance for non-heat electricity and heat?

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 May 10, 2013, Claimant applied for SER assistance. Exhibit 1.
2. On May 16, 2013, the Department sent notice of the application denial to Claimant. Exhibit 1.
3. On May 30, 2013, the Department received Claimant's hearing request, protesting the SER denial. Exhibit 1.

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, Michigan

Administrative Rule 400.7001 through Rule 400.7049. Department policies are found in the State Emergency Relief Manual (ERM).

Preliminary matters

As a preliminary matter, Claimant's hearing request also addressed her child support. See Exhibit 1. However, during the hearing, it was discovered that Claimant was in compliance with the Office of Child Support (OCS) as of March 19, 2013. See Exhibit 1. Moreover, Claimant's SER application was not denied based on non-cooperation with the OCS. Thus, the hearing proceeded with only discussing the denial of Claimant's SER application.

Furthermore, during the hearing, it was confirmed by the Claimant that she applied for SER assistance for non-heat electricity. However, the Department testified that Claimant also applied for heat assistance, which was also denied. The Department testified that Claimant was denied for non-heat electricity and heat for the same reasons. Based on the foregoing information, this hearing decision will address Claimant's request for SER assistance with non-heat electricity and heat.

SER application

On May 10, 2013, Claimant applied for SER assistance. Exhibit 1. On May 16, 2013, the Department sent notice of the application denial to Claimant. Exhibit 1.

Low-income households who meet all SER eligibility requirements may receive assistance to help them with household heat and electric costs. ERM 301 (February 2013), p. 1. 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, p. 1.

Under the eligibility criteria for energy services, the bill must be connected to the group's current address. ERM 301, pp. 2-3. If the bill, including old or transferred balances, must be paid to start or maintain service at the current or new address, payment may be authorized up to the fiscal year cap, as long as the payment resolves the emergency. ERM 301, pp. 2-3.

Clients must be informed of all verifications that are required and where to return verifications. ERM 103 (August 2012), p. 5. The due date is eight calendar days beginning with the date of application. ERM 103, p. 5. The Department uses the DHS-3503, SER Verification Checklist, to request verification and to notify the client of the due date for returning the verifications. ERM 103, p. 5. Also for all programs, before determining eligibility, the Department gives the client a reasonable opportunity to resolve any discrepancy between his statements and information from another source. BAM 130 (May 2012), p. 6.

At the hearing, the Department testified that it denied Claimant's SER application because her reported physical address did not match the service for the electrical bill.

See Exhibit 1. A review of the electrical bill does indicate that Claimant's physical is different than compared to the address listed on her application. See Exhibit 1. Additionally, the Department testified that it did not send a VCL request due the bill being old from 2007. See Exhibit 1.

Claimant testified that she applied for SER services because she is need of electric, lights, gas, and the other SER services listed in the application for her home. Claimant testified that she has an emergency and does not want to continue moving into different homes. Claimant testified that the energy bill did list her previous address.

Based on the foregoing information and evidence, the Department improperly denied Claimant's SER application for non-heat electricity and heat. Claimant testified that she is in threat of emergency with her heat and electrical due to her moving to different addresses. Furthermore, it was unclear why Claimant's bill is old from 2007 and not updated. However, ERM 301 does allow an old bill to be paid in order to start or maintain service at the current or new address, as long as the payment resolves the emergency. ERM 301, pp. 2-3. Also, the bill must be connected to the group's current address. ERM 301, pp. 2-3. Claimant can submit such an old bill to determine if she is SER eligible. Nevertheless, there was a discrepancy as to why Claimant's physical address did not match the electrical bill. The Department should have given Claimant a reasonable opportunity to explain this difference by sending her a VCL request. ERM 103, p. 5; BAM 130, p. 6.

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that the Department
 properly denied improperly denied

DECISION AND ORDER

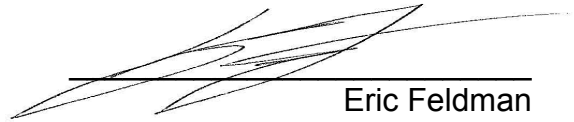
The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department
 did act properly. did not act properly.

Accordingly, the Department's decision is AFFIRMED REVERSED for the reasons stated on the record.

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

1. Initiate reregistration of Claimant's May 10, 2013 SER application for non-heat electricity and heat;
2. Begin reprocessing the application/recalculating the SER budget for May 10, 2013, ongoing, in accordance with Department policy;

3. Begin issuing supplements to Claimant for any SER benefits she was eligible to receive but did not from May 10, 2013, ongoing; and
4. Begin notifying Claimant in writing of its SER decision in accordance with Department policy.



Eric Feldman
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: August 26, 2013

Date Mailed: August 26, 2013

NOTICE OF APPEAL : 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-07322

EF/hj

cc:

