

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

**IN THE MATTER OF:**



Reg. No.: 2013-63212  
Issue No.: 5100  
Case No.: [REDACTED]  
Hearing Date: October 9, 2013  
County: Wayne DHS (31)

**ADMINISTRATIVE LAW JUDGE:** Christian Gardocki

**HEARING DECISION**

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on October 9, 2013, from Detroit, Michigan. Participants included the above-named Claimant. Participants on behalf of the Department of Human Services (DHS) included [REDACTED], Specialist.

**ISSUE**

The issue is whether DHS properly determined Claimant's eligibility for State Emergency Relief.

**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 [REDACTED]/13, Claimant applied for SER seeking help with energy services.
2. The past due amount on Claimant's electricity bill was \$190.26 and \$1158.81 on a heat balance.
3. On [REDACTED]/13, DHS determined that Claimant was eligible for \$450 for heat and \$190.29 for electricity, subject to an \$1158.81 copayment by Claimant, to be paid by [REDACTED]/13.
4. On [REDACTED]/13, Claimant requested a hearing to dispute the DHS determination.

## CONCLUSIONS OF LAW

The State Emergency Relief (SER) program is established by the Social Welfare Act, MCL 400.1-.119b. The SER program is administered by the Department (formerly known as the Family Independence Agency) pursuant to MCL 400.10 and by Mich Admin Code, R 400.7001 through R 400.7049. Department policies are contained in the Department of Human Services Emergency Relief Manual (ERM).

Claimant requested a hearing to dispute a SER energy services application determination. DHS determined that Claimant was eligible to receive \$640.29 in payments, subject to a client payment of \$708.81 to be made by [REDACTED]/13. Claimant objected to having to pay \$708.81 prior to becoming eligible for an SER payment.

The SER group must contribute toward the cost of resolving the emergency if SER does not cover the full cost of the service. ERM 208 (10/2012), p. 3. If the SER group meets all eligibility criteria but has a copayment, shortfall or contribution, DHS is to not issue payment until the client provides proof that their payment has been made or will be made by another agency. *Id.* Verification of payment must be received in the local office within the 30-day eligibility period or no SER payment will be made. *Id.*

It was not disputed that Claimant was eligible to receive \$450.00 in SER heat services. It was not disputed that Claimant's past due heat balance was \$1158.81. Thus, it appears that DHS properly determined Claimant's copayment to be the difference between the amount of available SER and her heat past-due balance. There was a dispute as to whether Claimant's energy service provider would have accepted less than the past-due amount to stop a shut-off for 30 days.

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 (3/2013), p. 1. The amount of the payment is the minimum necessary to prevent shutoff or restore service, up to the fiscal year cap. *Id.* Payment must resolve the emergency by restoring or continuing the service for at least 30 calendar days. *Id.*

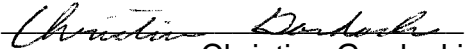
DHS presented testimony that Claimant's energy provider used to accept any SER payment to stop a shut-off for 30 days. For example, if a client had a \$1200 past-due bill but \$450 available in potential SER funds, DHS was to process SER eligibility based on \$450 being the amount to stop the shut-off. DHS also presented testimony that the energy provider now only accepts full past-due amount payments to stop a shut-off threat.

DHS policy gives indirect support for the specialist's testimony. Current bills that are not subject to shutoff should not be included in the amount needed. *Id.* The policy mandating DHS to ignore current bills implies that the past-due amount is the amount to stop a shut-off threat.

No evidence was presented that Claimant's energy service provider would accept a smaller amount than the past due amount to stop the shut-off. Based on the presented evidence, it is found that DHS properly determined Claimant's eligibility for SER. It is also found that DHS properly did not issue SER payment due to Claimant's failure to timely pay her copayment. It should be noted that Claimant may be able to establish SER eligibility without making a copayment in the future by verifying to DHS that her energy service provider will accept a smaller amount to stop a shut-off.

**DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly processed Claimant's SER application dated [REDACTED]/13 and that DHS properly failed to make SER payments due to Claimant's failure to timely pay a required client contribution. The actions taken by DHS are AFFIRMED.

  
Christian Gardocki  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: 10/29/2013

Date Mailed: 10/29/2013

**NOTICE OF APPEAL:** 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.

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).

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

CG/hw

cc:

