

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

IN THE MATTER OF:

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Reg. No.: 20141818
Issue No.: 5016; 3000
Case No.: ██████████
Hearing Date: November 12, 2013
County: Wayne (49)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 November 12, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████ ██████████ Eligibility Specialist.

ISSUE

Did the Department properly deny Claimant's application for State Emergency Relief (SER) assistance with electrical services?

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 or about September 17, 2013, Claimant filed an application for SER assistance with electrical services.
2. On September 17, 2013, the Department sent Claimant a SER Decision Notice denying the application.
3. On September 27, 2013, Claimant filed a hearing request disputing the Department's action.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

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.

Additionally, at the hearing, Claimant clarified that, although she had marked SER and the Food Assistance Program (FAP) in her September 27, 2013, hearing request, she was only concerned about the SER issue. The hearing proceeded to address that issue only.

The Department testified that Claimant's September 2013 SER application was denied because, for the fiscal year running from October 1, 2012, to September 30, 2013, Claimant had already hit her fiscal year cap for assistance with electrical services at the time of the application. The Department is authorized to pay an energy provider the minimum necessary to prevent shutoff or restore service, **up to the fiscal year cap**, provided that payment will resolve the emergency and the energy provider will maintain or restore service for at least 30 days. ERM 301 (March 1, 2013), pp. 1, 10.

Effective July 1, 2013, the fiscal year cap for energy-related services reverted to the level applicable prior to February 1, 2013, which was \$450. ERB 2013-001 (February 2013), p. 1; ERM 301 (October 2012), p. 8. Therefore, at the time of Claimant's September 17, 2013, SER application, the applicable fiscal year cap for assistance by the Department for residential electric service was \$450.

At the hearing, Claimant acknowledged that during the year she had received SER assistance from the Department in connection with her electrical services and did not dispute that she had received █████ in such assistance between October 1, 2012, and the date of her September 2013, SER application. Any payments made by the Department for electrical services during the fiscal year are applied to the client's cap. ERM 301, p. 10. Because the Department had paid Claimant's electrical provider amounts to or over █████ Claimant had reached her fiscal year cap at the time of the application.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it denied Claimant's September 2013 SER application for assistance with electrical services.

DECISION AND ORDER

Claimant's September 27, 2013, hearing request concerning her FAP benefits is DISMISSED.

The Department's SER decision is AFFIRMED.



Alice C. Elkin
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: November 15, 2013

Date Mailed: November 15, 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:

20141818/ACE

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

ACE/tm

cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]