

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

IN THE MATTER OF:

██████████
██████████
██████████

Reg. No.: 2014-1760
Issue No.: 5001
Case No.: ██████████
Hearing Date: December 12, 2013
County: Wayne (82-49)

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

ISSUE

Did the Department properly approve Claimant's State Emergency Relief (SER) application for assistance with utilities by agreeing to pay \$175 to the provider after Claimant verified her payment of \$1,019.31?

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 September 11, 2013, Claimant applied for SER assistance with utilities.
2. On September 20, 2013, the Department sent Claimant a SER Decision Notice agreeing to pay \$175 towards the outstanding amount due for utilities upon Claimant's verification of payment of \$1,019.31.
3. On September 25, 2013, Claimant filed a request for hearing disputing the Department's actions.

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, Claimant disputed the Department's SER Decision Notice in which the Department agreed to pay her utilities provider \$175 upon her verification that she paid \$1,019.31 by October 10, 2013.

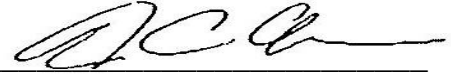
SER assistance is available to assist clients with payment of an arrearage to maintain or restore service for water, sewer or cooking gas. ERM 302 (March 2013), p. 1. The Department may approve payment **up to the fiscal year cap** if it will resolve the emergency and if the provider will maintain or restore service for at least 30 days. ERM 302, p. 3 (emphasis provided). The fiscal year cap applicable at the time of Claimant's September 11, 2013, application was \$175. ERM 302, p. 3.

The September 20, 2013, SER Decision Notice sent to Claimant shows that the Department agreed to pay \$175 to Claimant's water and sewage provider once Claimant verified payment of \$1,019.31, the difference between the \$1,194.31 past due amount for services and the \$175 it would pay. Because of the \$175 cap on SER assistance for utility services, the Department acted in accordance with Department policy when it agreed to pay a maximum of \$175 towards Claimant's outstanding utility bill. Before authorizing the Department's portion of the cost of services, the Department must verify that the income and asset copayment, shortfall, and contribution have been paid by the client or will be paid by another agency. ERM 302, p. 2. Because Claimant did not present any verification of payment of \$1,019.31 to the provider, the Department acted in accordance with Department policy when it did not pay the \$175 to the provider.

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 approved Claimant's SER application and agreed to pay \$175 after Claimant verified her payment of \$1019.31.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.



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

Date Signed: December 17, 2013

Date Mailed: December 17, 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

ACE/pf

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