

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-10246
Issue No.: 5100
Case No.: [REDACTED]
Hearing Date: April 18, 2013
County: Wayne (82-49)

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 April 18, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

ISSUE

Did the Department properly deny Claimant's request for State Emergency Relief (SER) assistance with energy service?

FINDINGS OF FACT

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

1. On October 10, 2012, Claimant applied for SER assistance with energy service.
2. On October 19, 2012, the Department sent notice of the application denial to Claimant. Exhibit 1.
3. On October 30, 2012, the Department received Claimant's hearing request, protesting the SER denial.

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 Department of Human Services State Emergency Relief Manual (ERM).

Additionally, on October 19, 2012, the Department sent notice of Claimant's SER application denial due to failure to provide the Department with information needed to determine eligibility. 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 (October 2012), p. 1. When the group's electric service for their current residence is in threat of shutoff or is already shutoff and must be restored, payment may be authorized to the enrolled provider. ERM 301, p. 1. In terms of SER energy service eligibility criteria, the bill must be connected to the group's current address. ERM 301, p. 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, p. 3. In addition to the eligibility criteria, the name on the energy account bill must match the head of household name or the head of household's spouse's name. ERM 301, p. 4. It is not sufficient to be in the name of a living-together partner. ERM 301, p. 4. The spouse must be active on the head of household's case. ERM 301, p. 4.

At the hearing, Claimant testified that her energy service was cutoff because she owed a previous outstanding balance with DTE Energy from a previous address in the amount of \$636.75. Exhibit 1. Claimant testified that she moved into her current residence with a friend on May 15, 2012, and the electric services at the address were cutoff on October 5, 2012. Furthermore, Claimant testified that the energy account during the entire period between May 15, 2012, and October 5, 2012, was in neither Claimant's name nor her friend's name. Claimant also testified that she did not know whose name was on the account for the current residence.

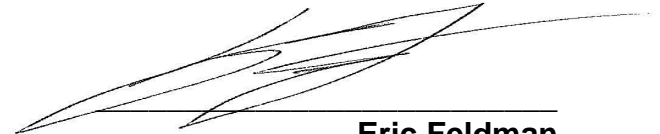
It was when the electric services were shutoff on October 5, 2012, that Claimant applied for SER benefits in an attempt to have her old bill paid in order to have the energy service turned back on. Claimant testified she could not produce a current bill at the address nor a shutoff notice because DTE would not provide her with one because her name was not on the current account. Based on the reasons above, the Department denied Claimant's SER application due to her failure to provide the Department with information needed to determine eligibility.

Based on the foregoing information and all of the evidence as a whole, it is found and determined that Claimant's old energy bill is not connected to her current address. ERM 301, p. 3. The bill due on the current address cannot be paid due to the energy account not being in Claimant's name or her friend's name during their move-in and through the shutoff date. ERM 301, pp. 3-4. Thus, the Department properly denied Claimant's SER application in accordance with Department policy because Claimant did not meet the SER eligibility requirements. ERM 301, pp. 1-12.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for reasons stated above and 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.



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

Date Signed: April 22, 2013

Date Mailed: April 22, 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.

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.

Request must be submitted through the local DHS office or directly to MAHS by mail at

2013-10246/EJF

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

EJF/pf

cc:

