

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-18695
Issue No.: 5016, 5022
Case No.: [REDACTED]
Hearing Date: March 28, 2013
County: Isabella County DHS

ADMINISTRATIVE LAW JUDGE: Corey A. Arendt

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 March 28, 2013, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] [REDACTED]. Participants on behalf of Department of Human Services (Department) included [REDACTED] [REDACTED].

ISSUE

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

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 November 21, 2012, Claimant applied for SER assistance with energy or utility service seeking fuel oil to heat her home.
2. As of November 21, 2012, the Claimant heated her home with both fuel oil and wood.
3. As of November 21, 2012, the Claimant's fuel oil was running low and she heated her home with wood during the day and fuel at night.
4. On November 30, 2012, the Department sent notice of the application denial to the Claimant. The Department denied the application finding there was no current emergency as the Claimant could currently heat her home with wood.
5. On December 10, 2012, the Claimant applied for SER assistance with energy or utility service seeking fuel oil to heat her home.

6. On December 10, 2012, the Department sent notice of the application denial to the Claimant. The Department denied the application finding the countable income exceeded the maximum amount allowed for the program.
7. On December 17, 2012, the Department received Claimant's hearing request, protesting the SER denials.

CONCLUSIONS OF LAW

Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

The SER program is established by 2004 PA 344. The SER program is administered pursuant to MCL 400.10, *et seq.*, and by 1999 AC, R 400.7001 through Rule 400.7049. Department policies are found in the State Emergency Relief Manual (ERM).

SER is to prevent serious harm to individuals and families. It is to assist applicants with safe, decent, affordable housing and other essential needs when an emergency situation arises.

At the time of the first application, there was no true emergency as the Claimant could still heat her home with wood. There was not an essential need for fuel oil at the time of application.

In regards to the subsequent application, the Department was unable to explain how the Department arrived at an income amount of \$[REDACTED]. Since the Department was unable to explain their calculations, I was unable to determine whether or not the Department's actions were correct and allowable under the applicable policies.

Therefore, I find evidence to affirm the Department's denial of the first application but also find evidence to reverse the Department's denial of the second application.

DECISION AND ORDER

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

Accordingly, the Department's decision to deny the November 21, 2012 application is **AFFIRMED** and the Department's decision to deny the December 10, 2012 application is **DENIED**.

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

1. Initiate a redetermination as to the Claimant's eligibility for SER benefits beginning December 10, 2012 and issue retroactive benefits if otherwise eligible and qualified.



Corey A. Arendt
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: March 28, 2013

Date Mailed: March 29, 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 effect the substantial rights of the claimant:
 - the 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
Michigan Administrative hearings

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

CAA/las

cc:

