

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201320921
Issue No.: 5016
Case No.: [REDACTED]
Hearing Date: February 6, 2013
County: Kalamazoo County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne Morris

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 February 6, 2013, from Lansing, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of Department of Human Services (Department) included [REDACTED].

ISSUE

Did the Department properly process 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 August 22, 2012, at 8:16 pm, the claimant applied online for SER assistance with energy or utility service.
2. The department was not able to process this SER application due to a computer glitch as the application was not "visible" to the department. The department only got an error message when trying to view the tracking number for the application.
3. When the department figured out the error, the Claimant was asked to submit a paper application for the SER services requested.
4. The claimant submitted this application on September 13, 2012 and the application was processed the same day and approved.

5. On October 5, 2012, the Department received Claimant's hearing request, protesting the SER determination.

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, R 400.7001 through Rule 400.7049. Department policies are found in the State Emergency Relief Manual (ERM).

Additionally, although the claimant did submit an online SER application for heat and electric on August 22, 2012, the department was not able to access this application or see it. Thus, the claimant was asked to submit a new paper application, which she did on September 13, 2012. The application was processed and approved the same day. The claimant requested a hearing because the department did not act on the first application and because she believed her case worker's conduct was derogatory. This Administrative Law Judge explained that I have no jurisdiction over case workers and any perceived derogatory conduct. The claimant was advised to file a complaint with supervisory staff. The jurisdiction of this Administrative Law Judge is solely limited to analyzing if the department properly applied department policy. In this case, the department admits that an error occurred with the computer system. The department witness printed out the screen that shows only an error is viewed when the department attempts to bring up the claimant's SER application tracking number. When this error was discovered, the claimant was asked to submit a new application, which was processed and approved the same day. This Administrative Law Judge has no equitable jurisdiction so I am unable to order any other remedy in this situation. The department did approve the claimant's SER application on September 13, 2012.

Based on the above Findings of Fact and Conclusions of Law, and for reasons stated on the record, the Administrative Law Judge concludes that the Department
 properly processed improperly processed
Claimant's SER application for assistance with energy and utility services.

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 did act properly. did not act properly.

Accordingly, the Department's decision is AFFIRMED REVERSED for the reasons stated on the record.

/s/ _____
Suzanne L. Morris
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: February 13, 2013

Date Mailed: February 13, 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

SLM/cr

cc:

