

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

**IN THE MATTER OF:**

██████████  
██████████████████  
██████████████████████████████

Reg. No.: 2013 35078  
Issue No.: 5003  
Case No.: ██████████  
Hearing Date: June 19, 2013  
County: Wayne County DHs (31)

**ADMINISTRATIVE LAW JUDGE:** Lynn M. Ferris

**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 June 19, 2013, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████ FIS.

**ISSUE**

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

**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 November 8, 2012, Claimant applied for SER assistance with utilities.
2. On March 8, 2013, the Department sent notice of the application denial to Claimant.
3. On December 13, 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 State Emergency Relief Manual (ERM).

Additionally, at the hearing the Claimant credibly testified that at the time of the application denial and issuance of the Decision Notice the Claimant did not have a shut off notice with DTE and therefore the Department correctly denied the application at that time. The record however disclosed that the case was not processed within the 10 day period and the Claimant's utilities were shut off for 10 days due to the Department's failure to take any action on November 29, 2012. The Department took over 4 months to wake up. Clearly, at the time of the application and thereafter the Claimant did have a shut off notice which was provided to the Department, however, due to the circumstances, DTE re-established service to the Claimant due to a payment made by Claimant and the kindness of DTE personnel and the emergency was resolved. The Department representative took no action until the emergency was resolved and well beyond the 10 day period to determine eligibility for SER; however, the decision as issued is technically correct and in accordance with Department policy found in ERM 302 and 301.

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

### **DECISION AND ORDER**

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

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



**Lynn M. Ferris**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: June 26, 2013

Date Mailed: June 26, 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. (60 days for FAP cases)

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

LMF/cl

cc: [REDACTED]  
[REDACTED]  
[REDACTED]  
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