

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

IN THE MATTER OF:



Reg. No.: 14-001600
Issue No.: 5001
Case No.: [REDACTED]
Hearing Date: June 5, 2014
County: WAYNE-DISTRICT 31

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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 5, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Assistance Payment Worker and [REDACTED] Hearings Facilitator.

ISSUE

Did the Department properly process Claimant's request for State Emergency Relief (SER) assistance with utility/energy services?

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 March 11, 2014, Claimant submitted an application for SER assistance with heat and electricity services that was approved by the Department.
2. On April 3, 2014, Claimant submitted a second application for SER assistance with his heat bill.
3. On April 10, 2014, the Department sent Claimant the SER Decision Notice with respect to the April 3, 2014, application informing him that he was approved for SER assistance but that he would be required to make a copayment towards the amount of assistance he had requested. (Exhibit 2)
4. On April 25, Claimant filed a hearing request, protesting the SER decision.

CONCLUSIONS OF LAW

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. Department policies are found in the Department of Human Services State Emergency Relief Manual (ERM).

Eligible households may receive SER assistance with household heat costs under the energy services program. ERM 301 (October 2013), p.1. The Department can award payments toward heat costs up to the fiscal year cap if it will resolve the emergency. ERM 301, p.10. Effective October 1, 2013, the fiscal year cap for heat services is \$450.00. ERM 301, p.10. Prior to authorizing the department's portion of the cost of services, verification that the copayment, shortfall or contribution has been paid by the client is needed. ERM 301, p.8. The total copayment is the amount the SER group must pay toward their emergency. ERM 208 (October 2013), pp. 1-2. Copayment amounts are deducted from the cost of resolving the emergency. ERM 208, pp. 1-2.

Additionally, the application date is the first day of the 30-day SER eligibility period. If the application is approved, the 30-day eligibility period does not change regardless of how many service requests the client may make during that period. If additional SER services are requested during the approved 30-day eligibility period, a new application is not needed and the application date cannot be changed. Every additional request made during the approved 30-day eligibility period is entered into Bridges as an additional SER service request and is subject to the original 30-day eligibility period. ERM 103 (October 2013), p.2.

In this case, Claimant submitted an application for SER assistance with heat and electricity services on March 11, 2014. The application was registered and processed and Claimant's request was approved, thereby beginning the 30 day SER eligibility period. On April 3, 2014, Claimant submitted a second request for SER assistance with his heat bill in the amount of \$155.20. (Exhibit 1). On April 10, 2014, the Department sent Claimant a SER Decision Notice informing him that his request for SER assistance with heat was approved and that the Department would pay \$1.66 towards his outstanding heat bill, but that he would be required to make a contribution payment of \$153.54, prior to the Department contributing the approved amount for the heat service. (Exhibit 2).

The Department testified that Claimant was only approved for a Department payment of \$1.66 towards his heat bill because Claimant had previously been approved for SER assistance with heat in the amount of \$448.34. The Department stated that the \$448.34 was applied toward the \$450.00 fiscal cap and that Claimant only had \$1.66 remaining in eligible assistance for the fiscal year. The Department presented a SER Cap summary in support of its testimony. (Exhibit 3).

The Department determined that Claimant had a contribution payment of \$153.54. (Exhibit 2). This contribution amount added to the \$1.66 remaining in the fiscal cap not already used by Claimant equals the total amount of assistance requested by Claimant for heat (\$155.20). Therefore, the Department acted in accordance with Department policy when it approved Claimant's request for SER assistance with heat in the amount remaining of the fiscal cap and required that he contribute the remaining amount.

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 issued its SER Decision Notice.

DECISION AND ORDER

Accordingly, the Department's SER decision is AFFIRMED.



Zainab Baydoun

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

Date Signed: **6/24/2014**

Date Mailed: **6/25/2014**

ZB / tlf

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date.

A party may request a rehearing or reconsideration of this Hearing Decision from the Michigan Administrative Hearing System (MAHS) within 30 days of the mailing date of this Hearing Decision, or MAHS may order a rehearing or reconsideration on its own motion.

MAHS may grant a party's Request for Rehearing or Reconsideration 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 party requesting a rehearing or reconsideration 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 this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, 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

cc:

