

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

IN THE MATTER OF:

██████████
██████████
██████████

Reg. No.: 14-004799
Issue No.: 5001
Case No.: ██████████
Hearing Date: September 18, 2014
County: DHS SSPC-EAST

ADMINISTRATIVE LAW JUDGE: Eric Feldman

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a three-way telephone hearing was held on September 18, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant's Authorized Hearing Representative (AHR)/daughter, ██████████. Participants on behalf of the Department of Human Services (Department or DHS) included ██████████ Assistant Payment Worker.

ISSUE

Did the Department properly deny Claimant's State Emergency Relief (SER) application with non-heat electricity and heat?

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 May 27, 2014, Claimant applied online for SER assistance with non-heat electricity and heat.
2. On June 4, 2014, the Department conducted an SER telephone interview with the Claimant. See Exhibit 1, p. 4.
3. On June 4, 2014, the Department sent Claimant an SER Decision Notice notifying Claimant that her non-heat electricity and heat application was denied due to the group not being eligible because the bill is not connected to her current address. See Exhibit 1, pp. 5-8.
4. On June 11, 2014, Claimant's AHR filed a hearing request, protesting the SER denial. See Exhibit 1, p. 11.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

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 Mich Admin Code, R 400.7001 through R 400.7049.

Low-income households who meet all State Emergency Relief (SER) eligibility requirements may receive assistance to help them with household heat and electric costs. ERM 301 (October 2013), p. 1. Funding for energy services assistance is provided through the Low Income Home Energy Assistance Program (LIHEAP). ERM 301, p. 1. For energy related emergencies, the SER crisis season runs from November 1 through May 31. ERM 301, p. 1. Requests for those services will be denied June 1 through October 31. ERM 301, p. 1.

When the group's heat or electric service for their current residence is in past due status, in threat of shutoff or is already shut off and must be restored, payment may be authorized to the enrolled provider. ERM 301, p. 1.

In this case, on May 27, 2014, Claimant applied online for SER assistance with non-heat electricity and heat. On June 4, 2014, the Department conducted a SER telephone interview with the Claimant. See Exhibit 1, p. 4. During the interview, Claimant's case comments indicated the Claimant has not lived in Michigan for three months and no one was living in the home while she was away. See Exhibit 1, p. 1. Moreover, Claimant indicated that she would return to Michigan on June 7, 2014. See Exhibit 1, p. 4. Based on this information, on June 4, 2014, the Department sent Claimant an SER Decision Notice notifying Claimant that her non-heat electricity and heat application was denied due to the group not being eligible because the bill is not connected to her current address. See Exhibit 1, pp. 5-8.

At the hearing, the AHR testified that her mother mostly likely misunderstood the question asked as to her residency on June 4, 2014. Instead, on or around June 11, 2014, the AHR and Claimant (three-way phone call) spoke to the Department and testified she informed it that the Claimant was a Michigan resident. See Exhibit 1, p. 4. The AHR testified that Claimant had been traveling back and forth to Tennessee the past three months to take care of the Claimant's parents (medical reasons). The AHR testified that Claimant was in Tennessee at the time of application and telephone interview, but returned to Michigan shortly after. It should be noted that the case comments acknowledged the AHR's testimony regarding the misunderstanding. See Exhibit 1, p. 4.

ERM 301 further states eligibility criteria's regarding energy services, which includes the bill must be connected to the group's current address. ERM 301, p. 4. 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. 4.


Furthermore, residence and age does not normally affect eligibility. See ERM 202 (June 2013), p. 1. Presence in Michigan, not permanent residence, is required for SER eligibility. ERM 202, p. 1.

Based on the foregoing information and evidence, the Department properly denied Claimant's SER application for non-heat electricity and heat on June 4, 2014. The Department acted in accordance with Department policy when it denied the application based on the information provided by the Claimant at time of application and interview. At the time of application and interview, the evidence presented that Claimant indicated she had not lived in Michigan for three months. See Exhibit 1, p. 4. Presence in Michigan, not permanent residence, is required for SER eligibility. ERM 202, p. 1. The Department reasonably inferred that Claimant did not meet the residency requirements because she was not present in Michigan at the time of application nor for the past three months. See ERM 202, p. 1. Furthermore, the Department properly denied Claimant's application because she was not living at the address connected to the current bill based on the information provided at the time of interview. ERM 301, p. 4.

DECISION AND ORDER

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 denied Claimant's SER application for non-heat electricity and heat on June 4, 2014.

Accordingly, the Department's SER decision is AFFIRMED.


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

Date Signed: **9/26/2014**

Date Mailed: **9/26/2014**

EJF / cl

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:

[REDACTED]
[REDACTED]
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