

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

IN THE MATTER OF:

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

Reg. No.: 14-004538
Issue No.: 5001
Case No.: ██████████
Hearing Date: September 18, 2014
County: WAYNE (76)

ADMINISTRATIVE LAW JUDGE: Jacquelyn A. McClinton

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 telephone hearing was held on September 18, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████, Assistance Payments Worker, and ██████████, Eligibility Specialist.

ISSUE

Did the Department properly fail to process Claimant's State Emergency Relief (SER) Decision Notice?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Claimant applied for SER benefits on May 30, 2014 for assistance with her heating bill.
2. On June 4, 2014, the Department sent Claimant an SER Decision Notice notifying her that she was required to make a payment in the amount of \$438.96 or make payment arrangements prior to it issuing a payment in the amount of \$450.00.
3. Claimant was required to make the \$438.96 payment or payment arrangements no later than June 28, 2014.
4. On June 6, 2014, Claimant filed a Request for Hearing disputing the Department's actions.

5. On June 18, 2014, Claimant entered into payment arrangements with the utility company which required her to pay \$195.00 per month until her bill was brought current.
6. The Department was unaware that Claimant made the payment arrangements and therefore did not issue a payment in the amount \$450.00.

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.

On May 30, 2014, Claimant applied for SER benefits to assist with payment of her utility bill. On June 4, 2014, the Department sent Claimant an SER Decision Notice notifying her that she was required to either make a payment of \$438.96 or make payment arrangements. On June 6, 2014, Claimant filed a Request for hearing indicating that she was unable to pay \$438.96.

The Department testified that under the terms of the SER Decision Notice, Claimant was required to make the \$438.96 utility payment or to enter into payment arrangements on or before June 28, 2014. On June 18, 2014, the Department held a Pre-Hearing Conference with Claimant regarding the Request for Hearing she filed on June 6, 2014. Prior to the start of the Pre-Hearing Conference, the Department accessed Claimant's payment history with the utility company. At that time, Claimant had not made the \$438.96 payment and there was no evidence that Claimant entered into payment arrangements. On the day of the hearing, the Department again accessed Claimant's payment history. The payment history revealed that Claimant entered into payment arrangements with the utility company on June 18, 2014 and had been making payments in accordance with the agreement. The Department agreed that Claimant complied with the terms of SER Decision Notice and as such, it should have released the \$450.00 utility payment.

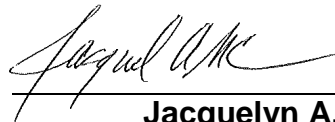
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department did not act in accordance with policy when it failed to release the \$450.00 utility payment after Claimant complied with the terms of the SER Decision Notice.

DECISION AND ORDER

Accordingly, the Department's decision is **REVERSED**.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Make a payment in the amount of \$450.00 to DTE Energy on behalf of Claimant.



Jacquelyn A. McClinton
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **10/7/2014**

Date Mailed: **10/7/2014**

JAM / 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]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]