

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

IN THE MATTER OF:

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

Reg. No.: 14-008045
Issue No.: 5001
Case No.: ██████████
Hearing Date: October 15, 2014
County: WAYNE-DISTRICT 57
(CONNER)

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 telephone hearing was held on October 15, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant, ██████████ ██████████; and Claimant's Authorized Hearing Representative (AHR)/minister, ██████████ e. Participants on behalf of the Department of Human Services (Department or DHS) included ██████████, Family Independence Manager; and ██████████ Case Worker.

ISSUE

Did the Department properly deny Claimant's State Emergency Relief (SER) application with heat and non-heat electricity (hereinafter referred to as "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 July 10, 2014, Claimant applied for SER assistance for energy services.
2. On July 14, 2014, the Department sent Claimant an SER Decision Notice notifying Claimant that her energy services request was denied due to the application not being made during the crisis season. See Exhibit 1, pp. 4-5.
3. On July 21, 2014, Claimant/Claimant's AHR filed a hearing request, protesting the SER denial. See Exhibit 1, pp. 2-3.

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 July 10, 2014, Claimant applied for SER assistance for energy services. On July 14, 2014, the Department sent Claimant an SER Decision Notice notifying Claimant that her energy services request was denied due to the application not being made during the crisis season. See Exhibit 1, pp. 4-5. On July 21, 2014, Claimant/Claimant's AHR filed a hearing request, protesting the SER denial. See Exhibit 1, pp. 2-3.

At the hearing, Claimant's AHR testified that the energy services crisis season is only policy and that it is arbitrary in which a decision can be made. Moreover, Claimant and the AHR notated Claimant has medical conditions and that the energy services company even reviewed her medical emergency. In fact, Claimant's energy services company placed her account in shutoff protection status/hold based on the medical emergency. See Exhibit A, p. 1. Claimant also provided a copy of her energy services shut-off notice. See Exhibit A, p. 2.

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. The amount of the payment is the minimum necessary to prevent shutoff or restore service, not to exceed the fiscal year cap. ERM 301, p. 1.


Based on the foregoing information and evidence, the Department properly denied Claimant's SER application with energy services. Claimant's SER application with energy services was dated July 10, 2014, which was submitted during the non-crisis season from June 1 through October 31. ERM 301, p. 1. As such, the Department acted in accordance with Department policy when it denied the SER application with

energy services effective July 14, 2014 because it was submitted during the non-crisis season. See ERM 301, p. 1.

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 the SER application with energy services effective July 14, 2014.

Accordingly, the Department's SER decision is AFFIRMED.



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

Date Signed: **10/20/2014**

Date Mailed: **10/20/2014**

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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