

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-002142
Issue No.: 5007
Case No.: [REDACTED]
Hearing Date: August 4, 2014
County: WAYNE-DISTRICT 19

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

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 August 4, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], PATH Worker, and [REDACTED] Family Independence Manager.

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 [REDACTED], the Department sent Claimant an SER Decision Notice, informing Claimant that no Department payment would be made for any service until Claimant provided proof that he made his payment by [REDACTED].
2. Claimant made a payment of \$457.37 on [REDACTED] and a payment of \$20.00 on or about [REDACTED] toward his electricity and heat.
3. Claimant's payments for non-heat electricity and heat-natural Gas/Wood/Other were processed by DTE on [REDACTED] (\$457.37) and [REDACTED] (\$20.00).
4. Claimant did not make a payment for water or sewage.
5. The Department did not pay its portion as delineated in the SER Decision Notice.

6. On [REDACTED], Claimant/Claimant's Authorized Hearing Representative (AHR) 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).

In the present case, on [REDACTED], the Department sent Claimant an SER Decision Notice, informing Claimant that both the Department and Claimant would make payment toward his utility bill, but no Department payment would be made for any service until Claimant provided proof that he made his payment by [REDACTED]. Claimant's payments for non-heat electricity and heat-natural gas/wood/other were processed by DTE on [REDACTED] (\$457.37) and [REDACTED] (\$20.00). Claimant testified credibly that he made the payment of \$457.37 on [REDACTED], but since that day was a Friday, DTE did not process the payment until [REDACTED], a Monday. It is found that Claimant made a timely payment with regard to the \$457.37. It is noted that Claimant's total payment due for electricity and heat was \$475.37, so it appears that Claimant transposed numbers and made a clerical error in his timely payment. In addition, Claimant testified credibly that as soon as he learned from his Department worker that his payment was about \$20.00 short of what was owed for electricity and heat, he made the \$20.00 payment. Since Claimant's initial, larger, payment was timely, but incorrectly written, and Claimant quickly made the required additional payment, it is found that the Department was not correct in not issuing payment for Claimant's non-heat electricity and heat.

Claimant did not dispute that he did not make a payment toward water or sewage, and the Department was therefore correct in not issuing a payment for water or sewage.

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it did not issue payment for Non-Heat Electricity and Heat-Natural Gas/Wood/Other. It is further found that the Department acted in accordance with Department policy when it did not issue a payment for water or sewage.

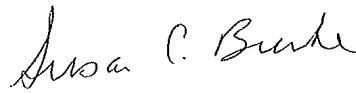
DECISION AND ORDER

Accordingly, the Department's SER decision is AFFIRMED in part and REVERSED in part.

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. Issue a payment in the amount of \$450.00 to Claimant's utility provider (DTE Energy) for Non-Heat Electricity.
2. Issue a payment in the amount of \$450.00 to Claimant's utility provider (DTE Energy) for Heat-Natural Gas/Wood/Other.



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

Date Signed: **8/26/2014**

Date Mailed: **8/26/2014**

SCB / hw

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:

