

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 14-005280  
Issue No.: 5001  
Case No.: [REDACTED]  
Hearing Date: August 28, 2014  
County: INGHAM

**ADMINISTRATIVE LAW JUDGE: Carmen Fahie**

**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 Thursday, August 28, 2014, from Lansing, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], ES and [REDACTED], APSup.

**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 June 2, 2014, Claimant applied for SER assistance with utility/energy services.
2. On June 3, 2014, the Department sent Claimant the SER Decision Notice.
3. On June 10, 2014, 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).

Additionally, the Claimant had applied for SER assistance with her utilities on [REDACTED] [REDACTED] for assistance with electric and water. Department Exhibit 1-3. The Claimant was denied for SER on [REDACTED] for not being in shut-off status. Department Exhibit 4-5. According to the Claimant, she had her [REDACTED] for her on [REDACTED] along with bank statements and a shut-off notice. The Department received the bank statements and the [REDACTED], but no application on [REDACTED] [REDACTED]. The Department Caseworker did not call the Claimant to find out if she wanted to apply for SER even though she had a previously SER application that was denied the month before because she did not have a shut-off notice.

Subsequently, the Claimant called the Department who told her that they have no record of receiving an application dated [REDACTED] 2014. The Claimant reapplied on [REDACTED] [REDACTED]. Department Exhibit 7-9. On [REDACTED], the Department Caseworker sent the Claimant a denial notice because the utility assistance period had ended on [REDACTED] [REDACTED]. Department Exhibit 10-11.

The Claimant came in to the local DHS office on [REDACTED] to inquire about her application from [REDACTED]. She had a copy of the SER application that she had asked her [REDACTED] to drop off to the Department on [REDACTED]. The Department Caseworker made a copy of the SER application and [REDACTED]. Department Exhibit D-F and A.

This Administrative Law Judge finds that the Department has not met their burden because they did receive the shut-off notice and the bank statement and should have called the Claimant because they somehow did not receive the attached SER application.

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 issued its SER Decision Notice.

**DECISION AND ORDER**

Accordingly, the Department's SER 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. Initiate a redetermination of the Claimant's eligibility for SER by registering and processing the Claimant's application that was submitted on [REDACTED], but not received by the Department.
2. Provide the Claimant with written notification of the Department's revised eligibility determination.
3. Issue the Claimant any retroactive benefits she/he may be eligible to receive, if any.

*Carmen H. Fahie*

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

Date Signed: **9/23/2014**

Date Mailed: **9/23/2014**

**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

CGF / tb

cc:

