

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-006415
Issue No.: 5001
Case No.: [REDACTED]
Hearing Date: October 07, 2014
County: Wayne-District 55

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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 7, 2014, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED] and [REDACTED].

ISSUE

Did the Department properly deny the Claimant's applications for State Emergency Relief (SER) benefits?

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 April 1, 2014, the Claimant applied for State Emergency Relief (SER) benefits.
2. On April 3, 2014, the Department approved the Claimant for State Emergency Relief (SER) benefits with a co-payment of \$ [REDACTED].
3. On May 22, 2014, the Claimant re-applied for State Emergency Relief (SER) benefits.
4. On May 7, 2014, the Department denied the Claimant's State Emergency Relief (SER) application because his emergency had been resolved.
5. On June 9, 2014, the Claimant re-applied for State Emergency Relief (SER) benefits.
6. On June 16, 2014, the Department denied the Claimant's State Emergency Relief (SER) application because the crisis period had passed.
7. On June 27, 2014, the Department received the Claimant's request for a hearing, protesting the denial of State Emergency Relief (SER) benefits.

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.

State Emergency Relief (SER) group members must use their available income and cash assets that will help resolve the emergency. The Department will not authorize a SER payment unless it will resolve the emergency. The income and asset copayments combined together determine the SER group's total copayment. The total copayment is the amount the SER group must pay toward their emergency. Copayment amounts are deducted from the cost of resolving the emergency. Asset copayments cannot be reduced or waived. Department of Human Services Emergency Relief Manual (ERM) 208 (October 1, 2014), pp 1-2.

On April 1, 2014, the Claimant applied for State Emergency Relief (SER) benefits. On April 3, 2014, the Department approved the Claimant for State Emergency Relief (SER) benefits with a co-payment of \$ [REDACTED]. No evidence was presented on the record as a whole that the Claimant made his required co-payment, and the Department established that it was acting in accordance with policy when it denied State Emergency Relief (SER) benefits.

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. The amount of the payment is the minimum necessary to prevent shutoff or restore service, not to exceed the fiscal year cap. Payment must resolve the emergency by restoring or continuing the service for at least 30 calendar days. Current bills that are not subject to shutoff should not be included in the amount needed. Department of Human Services Emergency Relief Manual (ERM) 208 (October 1, 2014), p 1.

On May 22, 2014, the Claimant re-applied for State Emergency Relief (SER) benefits. While processing the Claimant's application, the Department discovered through a collateral contact that the Claimant had entered into a payment plan, and that there was no longer an emergency that could be resolved through the approval of State Emergency Relief (SER) benefits. Therefore, the Department was acting in accordance with policy when it denied the Claimant's application.

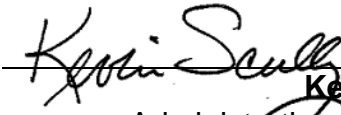
For energy related emergencies, the SER crisis season runs from November 1 through May 31. Requests for those services will be denied June 1 through October 31. Department of Human Services Emergency Relief Manual (ERM) 208 (October 1, 2014), p 2.

On June 9, 2014, the Claimant re-applied for State Emergency Relief (SER) benefits. The Department was acting in accordance with policy when it denied this application because it was received outside the crisis period.

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 Claimant's State Emergency Relief (SER) applications.

DECISION AND ORDER

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



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

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

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

KS/las

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:

