

**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.: 14-007862
Issue No.: 5001; 5004
Case No.: ██████████
Hearing Date: October 15, 2014
County: WAYNE-DISTRICT 55
(HAMTRAMCK)

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, ██████████. Participants on behalf of the Department of Human Services (Department or DHS) included ██████████ Eligibility Specialist/Hearings Facilitator.

ISSUES

Did the Department properly process Claimant's State Emergency Relief (SER) application for energy services dated May 30, 2014?

Did the Department deny Claimant's SER application for energy services effective June 20, 2014 and July 1, 2014?

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 May 30, 2014, Claimant alleged that she applied for SER assistance with non-heat electricity and heat.
2. On or around June 10, 2014, Claimant applied for SER assistance with energy services.
3. On June 20, 2014, the Department sent Claimant an SER Decision Notice notifying her that her SER heat assistance request was denied due to no shut-off notices having been received. See Exhibit 1, pp. 6-8.

4. On or around late June 2014, Claimant applied again for energy services.
5. On July 1, 2014, the Department sent Claimant an SER Decision Notice notifying her that her SER energy services request was denied due the application not being made during the crisis session. See Exhibit 1, pp. 9-10.
6. On July 9, 2014, Claimant filed a hearing request, protesting her SER energy-related denials. See Exhibit 1, p. 2.

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.

Preliminary matter

On June 20, 2014, the Department also notified Claimant that her SER assistance for rent to prevent eviction and water/sewage was denied. See Exhibit 1, pp. 6-7. Also, on July 1, 2014, the Department notified Claimant that her SER assistance for rent to prevent eviction was denied and her water/sewage was approved (co-pay required). See Exhibit 1, pp. 1-9. However, a review of Claimant's hearing request only indicates that she is disputing her energy services denial. See Exhibit 1, p. 2. As such, this Administrative Law Judge (ALJ) will only address Claimant's SER denials in regards to her energy services (non-heat electricity and heat) requests.

SER application dated May 30, 2014

In this case, on May 30, 2014, Claimant testified that she applied online for SER assistance with non-heat electricity and heat. The Department was unable to locate during the hearing an SER application dated May 30, 2014. Claimant testified that she never received a response (i.e., SER denial letter) regarding the application. Claimant even provided during the hearing the online confirmation for the SER application. See Exhibit 1, p. 2.

Applicants may file a State Emergency Relief (SER) application in any county in Michigan. ERM 103 (October 2013), p. 1. An application may also be submitted electronically through the MIBridges. ERM 103, p. 1. An application submitted through MIBridges for an SER covered service is considered a complete application. ERM 103, p. 1.

Applications must be registered within one day of receipt. ERM 103, p. 1. Online applications will be sent electronically to a registration inbox for proper assignment. ERM 103, p. 1.

Requests for SER become an application on the day the signed DHS-1514 is received in a local office. ERM 103, p. 2. For electronic applications submitted through MIBridges, the application date is determined based on the time and date of submission. ERM 103, p. 2. Any application submitted after 5:00 pm or on a non-business day will have an application date of the next business day. ERM 103, p. 2.

The application date is the first day of the 30-day SER eligibility period. ERM 103, p. 2. If the application is approved, the 30-day eligibility period does not change regardless of how many service requests the client may make during that period. ERM 103, p. 2. If the application is denied and the client reapplies, a new 30-day period will start with that new application date. ERM 103, p. 2.

The Department informs all SER applicants in writing of the decision made on their application. ERM 103, p. 3. The Department mails or gives the DHS-1419, Decision Notice, to the applicant. ERM 103, p. 3.

Based on the foregoing information and evidence, the Department failed to process Claimant's SER application with non-heat electricity and heat dated May 30, 2014. Claimant credibly testified that she applied online for SER assistance on May 30, 2014. Claimant's credibility is supported by the fact that she provided the online confirmation number she received upon submission of the application. As such, the Department will process Claimant's SER application (dated May 30, 2014) with non-heat electricity and heat in accordance with Department policy. See ERM 103, pp. 1-3.

SER application denials

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.

Clients must be informed of all verifications that are required and where to return verifications. ERM 103, p. 7. The due date is eight calendar days beginning with the date of application. ERM 103, p. 7. If the application is not processed on the application date, the deadline to return verification is eight calendar days from the date verification is requested. ERM 103, p. 7. This does not change the standard of promptness date. ERM 103, p. 7.

The Department uses the DHS-3503, SER Verification Checklist, to request verification and to notify the client of the due date for returning the verifications. ERM 103, p. 7.

In this case, on or around June 10, 2014, Claimant applied for SER assistance with energy services. Claimant testified that she applied in-person at the local DHS office on June 10, 2014. Claimant testified that she even had the shut-off notices to provide to the Department, but were never requested at the time of application. Furthermore, Claimant testified that the Department never requested proof of the shut-off notices. The Department could not provide evidence if an SER Verification Checklist was sent to Claimant requesting proof of shut-off notices.

Then, on June 20, 2014, the Department sent Claimant an SER Decision Notice notifying her that her SER heat assistance request was denied due to no shut-off notices were received. See Exhibit 1, pp. 6-8. The Department also testified that Claimant's SER application for energy services would have been denied because it was not submitted during the SER crisis season. It should be noted that the SER denial notice only denied Claimant's service request for heat. See Exhibit 1, pp. 6-7. However, Claimant testified that she also applied for non-heat electricity. It is unclear why the denial notice did not address Claimant's SER non-heat electricity request as well.

Upon receipt of the SER denial notice dated June 20, 2014, Claimant again went to the local office to inquire on the SER denial. Claimant testified that she spoke to the DHS caseworker's supervisor who notified her to reapply. As such, on or around late-June 2014, Claimant applied again for energy services and this time provided the shut-off notices.

On July 1, 2014, the Department sent Claimant an SER Decision Notice notifying her that her SER energy services request was denied due the application was not made during the crisis session. See Exhibit 1, pp. 9-10.

Based on the foregoing information and evidence, the Department properly denied Claimant's SER assistance for energy services (heat and non-heat electricity) effective June 20, 2014 and July 1, 2014.

First, it is evident that the Department failed to send Claimant an SER Verification Checklist requesting proof of shut-off notices regarding the denial effective June 20, 2014. Moreover, the Department failed to address Claimant's non-heat electricity request as well in the denial effective June 20, 2014. Nevertheless, Claimant's SER application (dated on or around June 10, 2014) for energy related emergencies was not submitted during the crisis season. See ERM 301, p. 1. As such, the Department properly denied Claimant's SER assistance with energy services on June 20, 2014. See ERM 301, p. 1.

Second, Claimant again applied for SER assistance (dated late-June 2014) for energy related emergencies and it also was not submitted during the crisis season. See ERM

301, p. 1. As such, the Department properly denied Claimant's SER assistance with energy services on July 1, 2014. 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 (i) failed to satisfy its burden of showing that it acted in accordance with Department policy when it did not process Claimant's SER assistance for non-heat electricity and heat on May 30, 2014; and (ii) acted in accordance with Department policy when it properly denied Claimant's SER assistance with energy services on June 20, 2014 and July 1, 2014.

Accordingly, the Department's decision is AFFIRMED IN PART with respect to SER denials dated June 20, 2014 and July 1, 2014 and REVERSED IN PART with respect to SER assistance for non-heat electricity and heat dated May 30, 2014.

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. Register and process Claimant's SER application with non-heat electricity and heat dated May 30, 2014, in accordance with Department policy and as the circumstances existed at the time of application;
2. Begin issuing supplements to Claimant for any SER benefits she was eligible to receive but did not from date of application; and
3. Begin notifying Claimant in writing of its SER decision in accordance with Department policy.


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

Date Signed: **10/17/2014**

Date Mailed: **10/17/2014**

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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