

**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.: 2014-36146
Issue No(s): 5004
Case No.: ██████████
Hearing Date: October 1, 2014
County: Wayne (82-15)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

HEARING DECISION AFTER REHEARING

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, as well as the September 11, 2014, Order Granting Request for Rehearing concerning the hearing originally held on February 26, 2014, before Administrative Law Judge (ALJ) Zainab Baydoun and resulting in a Hearing Decision issued on March 3, 2014.

After due notice, a telephone hearing was held on October 1, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████
████████████████████

ISSUE

Did the Department fail to properly process its June 25, 2013, State Emergency Relief (SER) Decision Notice approving Claimant's application for SER assistance?

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 17, 2014, Claimant applied for SER assistance with gas and electric.
2. On June 25, 2013, the Department sent Claimant an SER Decision Notice notifying her that it would pay (i) \$246.88 towards her outstanding electricity bill upon verification of payment of her \$390.38 contribution and (ii) \$604.16 towards her outstanding gas bill upon verification of payment of her \$227.48 contribution. Verification of payment was required by July 16, 2013.

3. On July 16, 2013, Claimant received confirmation from the Salvation Army that it would pay \$937.50 towards her outstanding DTE bill.
4. On August 5, 2013, payment of \$937.50 was made on Claimant's DTE account.
5. On January 22, 2014, Claimant submitted a hearing request alleging that the Department should have paid her DTE bill for July 2013.

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.

Additionally, in this case, the Department agreed in the June 25, 2013, SER Decision Notice to pay DTE, Claimant's heat and electricity provider, a total of \$851.04 in SER assistance for payment of outstanding gas and electric bills, upon verification that she made payment of her \$617.86 contribution amount by July 16, 2013.

Department policy provides that if the SER group meets all eligibility criteria but has an income or asset copayment, shortfall, and/or contribution, verification of payment must be received in the local office within the 30-day eligibility period or no SER payment will be made and the client must reapply. ERM 103 (March 2013), p. 4; ERM 401 (July 2013), p. 2.

In this case, Claimant testified that she procured a commitment from the Salvation Army on July 16, 2013 that it would pay \$937.50 towards her DTE bill and that she called her worker that same day and left her a voicemail advising her of the commitment. A printout from the DTE online website showed, consistent with Claimant's testimony, that a commitment was added to Claimant's account in the amount of \$937.50 on July 16, 2013, the last day of the authorization period. In connection with the hearing, the Department searched Claimant's online record with DTE which established that a payment was made to DTE on August 5, 2013 in the amount of \$937.50.

Policy provides that the Department may not issue payment until the client provides proof that their payment has been made. However, when another agency is making the payment, policy requires "proof that payment **will be made**." ERM 103, p. 4 (emphasis added); see also ERM 103 (March 2013), p. 4. Even though the agency did not make actual payment to Claimant's account until August 5, 2013, under Department policy, the fact that a commitment, acknowledged by DTE, was made within the authorization

period was sufficient to verify Claimant's payment of her \$617.86 contribution required under the June 25, 2013, SER Decision Notice and to trigger the Department's payment in accordance with the terms of the SER Decision Notice. See also ERM 103, p. 4; ERM 301 (March 2013), p. 1 (providing that, for energy services (which includes heat and electric), any additional payment made by another agency to reduce the balance on the client's bill to zero should not reduce the SER payment).

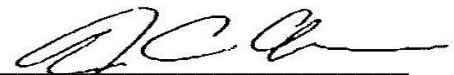
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department did not act in accordance with Department policy when it failed to process its payment of SER assistance to DTE, Claimant's heat and electricity provider, towards her outstanding energy bill.

DECISION AND ORDER

Accordingly, the Department's 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. Process the June 25, 2013, SER Decision Notice; and
2. Authorize payment to Claimant's provider.



Alice C. Elkin
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: October 7, 2014

Date Mailed: October 7, 2014

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides or has its principal place of business in the State, 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

ACE/pf

cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]