

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2014-9939
Issue No(s): 5016
Case No.: [REDACTED]
Hearing Date: February 25, 2014
County: Oakland-02

ADMINISTRATIVE LAW JUDGE: Darryl T. Johnson

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 three-way telephone hearing was held on February 25, 2014, from Lansing, Michigan. Participants on behalf of Claimant included the Claimant, [REDACTED]. Participants on behalf of the Department of Human Services (Department) included Eligibility Specialist [REDACTED].

ISSUES

Did the Department properly deny Claimant's application 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. Claimant applied for SER on February 7, 2013.
2. Claimant's application was approved and the Department sent a payment of \$ [REDACTED] to DTE Energy.
3. On March 12, 2013, DTE returned the payment because Claimant had enrolled in DTE's Low Income Self-Sufficient Program (LSP) which is financially supported by the Department.
4. Claimant was required under the LSP to make monthly payments of \$ [REDACTED] to DTE for 12 months, and in return DTE would cancel (in four quarterly adjustments) an outstanding deficiency, and use Department funds to offset the difference between his [REDACTED] contribution and the actual DTE bill each month.
5. On September 13, 2013, Claimant applied again for SER after he received a shut-off notice from DTE showing an unpaid balance of [REDACTED].

6. Claimant's application was denied because he was previously enrolled in the LSP with DTE and, despite agreeing to pay \$ [REDACTED] monthly for 12 months, he had only paid \$ [REDACTED] in June 2013.
7. Claimant requested a hearing on October 22, 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 by Michigan Admin Code, R 400.7001 through R 400.7049.

The Claimant testified that he has not had any income for months. He attributes this to an on-going legal dispute he has had with DTE which has caused him to "work double shifts" fighting the legal dispute. The Claimant is found not to be a credible witness. He is engaged in some type of computer service business which he performs out of his home. In his February 5, 2013 application for SER he reported gross earnings of \$ [REDACTED] monthly (Exhibit 1 Page 6) but then said that no one in his household is self-employed. In his September 13, 2013 application he again said that he had gross earnings of \$ [REDACTED] monthly from his business (Exhibit 1 Page 14) but on page 15 he reported no income for the preceding six months.

Claimant did not understand DTE's program, and he implied that he was defrauded by DTE. He testified that he entered into the agreement under the promise that, once he agreed to pay \$ [REDACTED] per month for 12 months, DTE would cancel an approximately \$2 [REDACTED] delinquency. Then, after he got into the program, he learned that the delinquency would be cancelled by four quarterly reductions. The documentary evidence conflicts with his testimony. Instead of paying \$ [REDACTED] per month, he was supposed to pay \$ [REDACTED] per month.

ERM 301 provides a table which defines the amounts groups must pay each month toward their energy bills. "To be eligible for energy service assistance, an SER group must make required payments toward their energy service bills unless the case is categorically eligible."

TABLE OF MONTHLY ENERGY REQUIRED PAYMENTS

SER Group Size	Heat Required Payment	Electric Required Payment	Total Monthly Required Payment
1	\$ [REDACTED]	\$ [REDACTED]	\$ [REDACTED]
2	\$ [REDACTED]	\$ [REDACTED]	\$ [REDACTED]

As a group of 1, Claimant was required to pay at least \$ [REDACTED] per month toward his energy bills. Since he had not done that, he was not eligible to receive SER. Exhibit 1, Page 10, is a report from DTE dated October 15, 2013, showing payments Claimant made in the preceding 24 months. His last payment was \$ [REDACTED] on June 25, 2013. Before that, he paid \$ [REDACTED] on June 10, 2013. He did not make any other payments in 2013.

The Department denied Claimant's latest SER application on September 13, 2013 (Exhibit 1 Pages 2-3) stating, "SER denied because you were currently enrolled in the LSP Program and failed to make your required payments. DHS cannot process the application."

Claimant did not make the required monthly payments toward his energy expenses. The Department came to the right decision, although the undersigned finds the decision is supported by other policy.

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 Claimant's SER application.

DECISION AND ORDER

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



Darryl T. Johnson
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: February 27, 2014

Date Mailed: February 27, 2014

NOTICE OF APPEAL: The claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely Request for Rehearing or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

Michigan Administrative Hearing System (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. MAHS will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request (60 days for FAP cases).

A Request for Rehearing or Reconsideration may be granted 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 Department, AHR or the claimant 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 the hearing decision is mailed.

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

DTJ/las

cc:

