

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

IN THE MATTER OF:

██████████
██████████
██████████

Reg. No.: 15-009194
Issue No.: 5004
Case No.: ██████████
Hearing Date: July 15, 2015
County: Macomb-District 36

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on July 15, 2015, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and ██████████ ██████████, Claimant's ██████████ and authorized hearing representative (AHR). Participants on behalf of the Department of Health and Human Services (Department) included ██████████, Hearing Facilitator, and ██████████, Eligibility Specialist.

ISSUE

Did the Department properly process Claimant's application for State Emergency Relief (SER) assistance and make payment to her gas provider?

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 assistance with gas bills (Exhibit A).
2. At the time of application, Claimant's gas services were "inactive" and Claimant owed \$635.95 (Exhibits A, E, and 1).
3. On May 13, 2015, the Department sent Claimant a SER Decision Notice notifying her that it would pay \$220.14 towards an outstanding due amount of \$317.09 upon verification of her payment of a \$96.95 copayment (Exhibit C).
4. On May 15, 2015, Claimant paid the provider her \$96.95 copayment.

5. On May 18, 2015, the Department authorized payment of \$220.14 to the provider (Exhibit D).
6. On May 26, 2015, Claimant submitted a request for hearing disputing the Department's payment towards restoring her services.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), Department of Health and Human Services Reference Tables Manual (RFT), and Department of Health and 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 Department of Human Services) pursuant to MCL 400.10 and Mich Admin Code, R 400.7001-.7049.

In this case, Claimant disputes the amount the Department paid towards restoration of her gas services, which had been shut off at the time of her May 4, 2015, SER application.

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, the Department may authorize payment to the enrolled provider for the minimum amount necessary to prevent shutoff or restore service, not to exceed the \$850 fiscal year cap. ERM 301 (February 2015), pp. 1, 10. Payment must resolve the emergency by restoring service for at least 30 days. ERM 301, pp. 1-2.

In this case, the Department initially processed Claimant's SER application based on its understanding that the amount subject to shut-off was \$317.09 (Exhibit B) and it agreed to pay \$220.14 to resolve the emergency upon Claimant's payment of a \$96.95 copayment. The copayment was due to the value of Claimant's cash assets exceeding \$50. ERM 205 (March 2013), pp. 1, 2. The AHR did not dispute the calculation of Claimant's asset copayment.

When her gas provider failed to restore her gas, Claimant filed her hearing request. At that time, the Department became aware that Claimant's gas services were shut off at the time of her application and she needed assistance to restore services (Exhibit E). The evidence at the hearing established that at the time Claimant filed her SER application, her balance to restore services was \$635.95 (Exhibits B and 1). Once she paid her \$96.95 copayment as directed by the May 13, 2015, SER Decision Notice, the balance owing to restore services decreased to \$539.

At the hearing, the Department established that it had made three payments to Claimant's provider totaling \$442.05 (Exhibits D and F). It also acknowledged that it owed an additional \$96.95 to the provider in order for the provider to restore Claimant's gas services.

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 improperly processed Claimant's SER application to restore services and failed to pay the amount necessary to restore services.

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. Pay Claimant's gas provider \$96.95.



Alice C. Elkin
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **7/24/2015**

Date Mailed: **7/24/2015**

ACE / tlf

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 copy of the claim or application for appeal must be filed with the Michigan Administrative Hearing System (MAHS).

