

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

**IN THE MATTER OF:**

██████████  
██████████  
██

MAHS Reg. No.: 15-021483  
Issue No.: 5001  
Agency Case No.: ██████████  
Hearing Date: February 04, 2016  
County: Wayne-District 19

**ADMINISTRATIVE LAW JUDGE: Zainab Baydoun**

**HEARING DECISION**

Following Petitioner'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 February 4, 2016, from Detroit, Michigan. Petitioner appeared for the hearing with her case manager, ██████████ and represented herself. The Department was represented by ██████████, Hearings Facilitator.

**ISSUE**

Did the Department properly process Petitioner's request for State Emergency Relief (SER) assistance with heat and electric costs?

**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 November 2, 2015, Petitioner requested SER assistance with heating costs in the amount of \$467.64 and electricity costs in the amount of \$465.11.
2. On November 9, 2015, the Department sent Petitioner a SER Decision Notice informing her that the Department approved \$465.11 towards her request for assistance with electricity costs and \$175.64 towards her request for assistance with heating costs. The Notice further informs Petitioner that she must make a \$292 copayment towards her request for assistance and provide proof that her payment has been made prior to December 1, 2015, or the Department would not make its approved payments. (Exhibit A)

3. Petitioner did not provide the Department with proof of her \$292 copayment or proof that she had a commitment to have the payment made prior to December 1, 2015.
4. On November 17, 2015, Petitioner requested a hearing disputing the Department's actions with respect to her SER application.

### **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.

Eligible households may receive assistance with heat and electricity costs under the energy services program. ERM 301 (October 2015), p. 1. The Department can award payments toward heat and electricity up to the fiscal year cap if it will resolve the emergency. The amount of the payment is the minimum necessary to prevent shutoff or restore service. ERM 301, pp. 2, 10. 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. If another agency is making the payment, proof that payment will be made is required. ERM 301, pp. 5-6; ERM 103 (October 2015), p. 4; ERM 401 (October 2013), p. 2.

In this case, the Department testified that it did not pay the approved \$465.11 towards Petitioner's request for assistance with electricity and the \$175.64 towards Petitioner's request for assistance with heating costs because it did not receive verification that Petitioner had made her required copayment or that she had a commitment from an outside agency to have her copayment of \$292 made. The Department stated that it received verification that Petitioner had a commitment from THAW on January 12, 2016, however, because it was after the December 1, 2015, eligibility period, it was too late. Petitioner testified that she procured a commitment from THAW and that she dropped it off at the local Department office on or around December 14, 2015. Petitioner stated that she then emailed it to her case worker on January 11, 2016. Although Petitioner stated that she did not receive the SER Decision Notice until she requested a hearing on or around November 17, 2015, Petitioner confirmed that she did not provide the

Department with the verification of the commitment from THAW prior to the December 1, 2015, deadline listed on the SER Decision Notice.

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 processed Petitioner's request for SER assistance with heat and electric costs.

**DECISION AND ORDER**

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



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**Zainab Baydoun**  
Administrative Law Judge  
for Nick Lyon, Director  
Department of Health and Human Services

Date Signed: **2/11/2016**

Date Mailed: **2/11/2016**

ZB / 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).

A party may request a rehearing or reconsideration of this Hearing Decision from 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 48909-8139

cc:

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]