

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

IN THE MATTER OF:



MAHS Reg. No.: 15-023716
Issue No.: 5001
Agency Case No.: [REDACTED]
Hearing Date: February 17, 2016
County: WAYNE-DISTRICT
57 (CONNER)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 17, 2016, from Detroit, Michigan. The Petitioner was represented by [REDACTED] the Petitioner's Authorized Hearing Representative (AHR). The Petitioner also appeared. The Department of Health and Human Services (Department) was represented by [REDACTED], Eligibility Specialist and [REDACTED], Family Independence Manager.

ISSUE

Did the Department properly deny the Petitioner's application for State Emergency Relief (SER) assistance for heat and light?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. The Petitioner applied for SER assistance for his heat (gas) and electricity on November 20, 2015. Exhibit B.
2. The Department issued an SER Decision Notice on November 13, 2015, denying the SER application as assistance with utility bills already in collection with a collection agency are not SER eligible.
3. Attached to the application was a letter from a collection agency dated July 8, 2015, indicating the balance due for the gas and electric account with DTE.

4. The Petitioner requested a timely hearing on December 4, 2015, protesting the Department's actions.

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, the Department denied the Petitioner's SER application for heat and electric service assistance. With the SER application, the Petitioner provided a letter from a collection agency for DTE, the utility provider, advising that DTE had given the bill balance to the collection agency for collection due to payment delinquency. Exhibit B. The Petitioner, during his phone interview regarding the SER application, was advised to obtain from DTE a detailed verification with amounts from DTE of the minimum payment necessary to restore services, not to exceed the fiscal cap. The Petitioner did recall this suggestion from the Department but did not submit such verification of minimum payments to restore service.

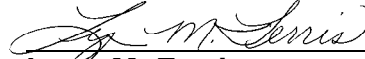
ERM 301 contains Department policy which applies to this case, it provides under Services Not Covered:

- Payments to residential landlords, residential management companies, billing service agencies, or collection agencies **are not eligible to receive** emergency service (ES) or SER funds, as they are not the actual service provider. Examples of third party billing companies who are not eligible providers include:
 - Universal Utilities.
 - D & B Billing Services.
 - Electrical Inspection Company. ERM 301, (October 1, 2015), p. 4.

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 the Petitioner's application for SER assistance for heat and electric utility assistance.

DECISION AND ORDER

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



Lynn M. Ferris

Administrative Law Judge
for Nick Lyon, Director

Department of Health and Human Services

Date Mailed: **2/18/2016**

LMF/jaf

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:

