



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
Christopher Seppanen
Executive Director

MIKE ZIMMER
DIRECTOR

[REDACTED]

Date Mailed: April 21, 2016
MAHS Docket No.: 16-003284
Agency No.: [REDACTED]
Petitioner: [REDACTED]

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 April 20, 2016, from Detroit, Michigan. The Petitioner was represented by herself. [REDACTED] [REDACTED] also appeared as a witness. The Department of Health and Human Services (Department) was represented by [REDACTED], Assistance Payments Supervisor.

ISSUE

1. Did the Department properly fail to process or deny the Petitioner's Food Assistance Program (FAP) and Medical Assistance (MA) applications?
2. Did the Department properly deny the Petitioner's State Emergency Relief (SER) application?

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 February 1, 2016, the Petitioner applied for three benefit programs: FAP, MA and SER for her electric bill.
2. At the hearing, it was determined that the Petitioner no longer requires a hearing regarding her FAP benefits or her MA benefits with respect to the Department's alleged failure to process her applications. At the time of the hearing, the Department had approved the Petitioner's FAP benefits and MA benefits with a spenddown. These actions took place after her hearing request was filed.

3. The Department denied the Petitioner's application for SER on February 10, 2016, for assistance with her electrical service for the reason that the electric service was provided by a third party company, which is not covered by the agency's SER Program. Exhibit 1.
4. The Petitioner requested a timely hearing on March 4, 2016, 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 February 1, 2016, application for SER with her electric utility bill. The Department found that the company used by the Petitioner was a specifically listed company that the Department policy does not cover for electrical services. The Petitioner pays her electrical bill to [REDACTED] this company is one of the listed companies that Department policy does not allow SER payments to be made for. Department policy found in ERM 302 provides:

Services Not Covered

Do not approve the following services under any circumstances:

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 service providers include: [REDACTED]. ERM 302 (October 1, 2013), p. 2. (Emphasis supplied).

At the hearing, the Petitioner confirmed that [REDACTED] was the company that serviced her electrical service. Thus, based upon Department policy and its strict requirement to not approve the following services under any circumstances, the Department correctly denied the Petitioner's SER application as her billing company is not eligible.

In addition, no issue remains with respect to the Petitioner's FAP and MA benefits with respect to the Department's processing of her February 1, 2016, application for those benefits. At the hearing, the Petitioner indicated that she did not understand her MA spenddown. The Department's decision finding her eligible for an MA spenddown.

occurred after her hearing request, and thus, is not covered by her current hearing request.

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 SER application for assistance with her electric bill.

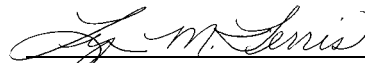
DECISION AND ORDER

Accordingly, the Department's decision with respect to the denial of the SER application is **AFFIRMED**.

The Department's approval of both the Petitioner's FAP and MA application prior to the hearing leaves no issue to be determined in the instant hearing; and therefore, the Petitioner's hearing request is hereby **DISMISSED** as there is nothing further to decide.

IT IS SO ORDERED.

LMF/jaf



Lynn M. Ferris
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

NOTICE OF APPEAL: A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088; 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

DHHS

[REDACTED]

Petitioner

[REDACTED]

cc:

[REDACTED]