



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: June 13, 2016
MAHS Docket No.: 16-004724
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Darryl Johnson

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, an in-person hearing was held on June 9, 2016, at White Cloud, Michigan. The Petitioner appeared on his own behalf. His care provider, [REDACTED], appeared with him. The Department of Health and Human Services (Department) was represented by Assistance Payments Worker [REDACTED] and Assistance Payments Supervisor [REDACTED].

ISSUE

Did the Department properly deny Claimant's application for State Emergency Relief (SER)?

FINDINGS OF FACT

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

1. In December 2015, Claimant received assistance with his propane expense through [REDACTED] an agency in Newaygo County that receives grant money through the Michigan Energy Assistance Program (MEAP) to provide assistance.
2. On March 29, 2016, Claimant applied for SER and noted in his application (Exhibit 1 Page 10) that he had received energy assistance from [REDACTED] since October 1, 2015.

3. On March 29, 2016, the Department denied Claimant's SER application (Pages 7-9) because it had confirmed that he had received assistance through another program.
4. The Department's fiscal year runs from October 1 to September 30 of the following year.
5. On April 12, 2016, the Department received Claimant's hearing request.

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.

As explained in ERM 301 (10/1/15) p. 1, the Department will "not authorize an energy-related SER payment for a household when the head of household, or another adult group member, has already been assisted by a participating (MEAP) grantee within the current fiscal year."

In this case, Petitioner had received assistance from [REDACTED] in December 2015. When he applied for SER in April 2016, he was still within the same fiscal year. The Department confirmed that he had already received assistance and therefore the Department was barred from providing any additional assistance.

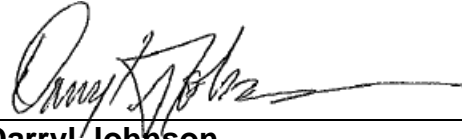
It will be noted that Petitioner was provided assistance by [REDACTED] a local charity, which allowed him to obtain additional propane for his tank in April 2016 and that resolved his emergency.

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 Petitioner's SER application.

DECISION AND ORDER

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

DJ/mc



Darryl Johnson
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]