



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: September 30, 2016
MAHS Docket No.: 16-011455
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Gary Heisler

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 September 13, 2016, from Lansing, Michigan. Petitioner appeared and testified along with [REDACTED]. The Department was represented by Hearing Facilitator [REDACTED]. Testimony was received from all participants. Department's Exhibit A, pages 1-27 was admitted into evidence.

ISSUE

Did the Department properly process Petitioner's May 16, 2016 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 May 16, 2016, Petitioner submitted an application for State Emergency Relief (SER) assistance with energy services.
2. On May 18, 2016, Petitioner was approved for an \$ [REDACTED] payment to Consumers Energy by the Department upon his payment of \$ [REDACTED]. The window for completing the transactions was May 16, 2016 to June 14, 2016.
3. On June 2, 2016, the Salvation Army sent an Email to the Department stating they would assist Petitioner in the amount of \$ [REDACTED]. The Email also stated: [REDACTED]

██████████ had pledged \$██████ to help Petitioner; ██████████ had pledged \$██████ to help Petitioner; and that Petitioner needed to make a \$██████ co-payment.

4. On June 6, 2016, Petitioner made a \$██████ payment to Consumers Energy.
5. On June 7, 2016, a \$██████ payment was made Consumers Energy on Petitioner's account.
6. On June 14, 2016, the window for completing the transactions approved by the Department expired.
7. On June 15, 2016, a \$██████ payment was made Consumers Energy on Petitioner's account.
8. On June 20, 2016, a \$██████████ payment was made Consumers Energy on Petitioner's account.
9. On August 2, 2016, Petitioner submitted a 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.

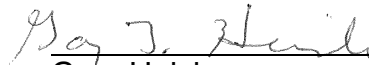
The Department clearly approved its \$██████ payment contingent on payment of \$██████████ by or on behalf of Petitioner by June 14, 2016. The evidence from Consumers Energy shows that only \$██████ was paid by or on behalf of Petitioner by June 14, 2016. Any misunderstandings or failure of other persons or agencies to fulfill promises is not the responsibility off the Department.

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 May 16, 2016 State Emergency Relief (SER) application.

DECISION AND ORDER

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

GH/nr



Gary Heisler
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]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Petitioner

[REDACTED]