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GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

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Date Mailed: July 12, 2017

MAHS Docket No.: ██████████ 17-006440

Agency No.: ██████████

Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Jacquelyn A. McClinton

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; 42 CFR 438.400 to 438.424; 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 ██████████, from Detroit, Michigan. The Petitioner was represented by Petitioner. The Department of Health and Human Services (Department) was represented by ██████████, Family Independence Manager.

ISSUE

Did the Department properly process Petitioner's application for State Emergency Relief (SER) benefits?

FINDINGS OF FACT

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

1. Petitioner applied for heat and non-heat SER benefits on ██████████.
2. In the application, Petitioner included the account number to which any payment should be applied.
3. On ██████████, Petitioner was approved for SER benefits in which the Department would pay ██████████ towards Petitioner's heat expense and also pay ██████████ towards Petitioner's non-heat expense.

4. Petitioner was required to pay [REDACTED] for the heat expense prior to the Department releasing the [REDACTED] payment and was also required to pay [REDACTED] for the non-heat expense prior to the Department releasing the [REDACTED] payment.
5. Petitioner timely made her required payments.
6. The Department issued the heat and non-heat payments to an account other than the account listed on the application.
7. The Department has unsuccessfully attempted to retrieve the erroneous payment.
8. On [REDACTED], Petitioner filed a Request for Hearing disputing 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.

Under Department policy, low-income households who meet all State Emergency Relief (SER) eligibility requirements may receive assistance to help them with household heat and electric costs. Funding for energy services assistance is provided through the Low-Income Home Energy Assistance Program (LIHEAP). ERM 301 (October 2015), p. 1. Additionally, to be eligible for energy service assistance, a SER group must make required payments toward their energy service. ERM 301, p. 6.

In this case, Petitioner applied for benefits on [REDACTED]. Petitioner included the account number to be paid on her application. On [REDACTED], the Department sent Petitioner a SER Decision Notice which notified Petitioner that it would pay [REDACTED] towards her heat expense and [REDACTED] towards her non-heat expense after she submitted her required payments.

Petitioner made her required payments. The Department testified that it issued the respective [REDACTED] payments but did so to the incorrect account. The Department explained that instead of referencing the application which included the correct account number, it entered Petitioner's social security number in a system which would allow it to see her utility account(s). The Department indicated that it paid the account associated with Petitioner's social security number as there was an outstanding heat

expense in excess of [REDACTED] and also an outstanding non-heat expense in excess of [REDACTED].

Petitioner explained that she resided with her mother and that the account number supplied on the application was listed under her mother's name. The Department acknowledged that because Petitioner's mother was a member of the household, the payments should have been made under the account provided by Petitioner. As such, it is found that the Department failed to properly process Petitioner's application for SER benefits when it made payments to the incorrect account.

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 did not act in accordance with Department policy when it failed to properly process Petitioner's application for SER benefits.

DECISION AND ORDER

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

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. The Department is ordered to issue the [REDACTED] heat and [REDACTED] non-heat payment to the account listed on Petitioner's [REDACTED] application in accordance with policy; and
2. Notify Petitioner in writing of its decision.

JAM/tlf



Jacquelyn A. McClinton
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

Via Email:

[REDACTED]

Petitioner – First-Class Mail:

[REDACTED]