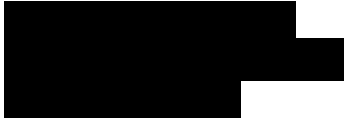




RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

SHELLY EDGERTON
DIRECTOR



Date Mailed: September 8, 2017
MAHS Docket No.: 17-008562
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 August 10, 2017, from Lansing, Michigan. The Petitioner was represented by herself and her fiancé, [REDACTED]. The Department of Health and Human Services (Department) was represented by [REDACTED] Hearing Facilitator.

ISSUE

Did the Department properly the Petitioner eligibility for State Emergency Relief (SER) for assistance with utilities?

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 2, 2017, the Petitioner applied for SER. Department Exhibit 1, pgs. 3-6.
2. On May 4, 2017, the Department Caseworker approved the Petitioner for SER and sent her a SER Decision Notice, DHS 1419, which she had to provide written verification of her required co-payments by May 31, 2017. Department Exhibit 1, pgs. 7-9.
3. On June 1, 2017, the Petitioner's SER application was denied because she failed to provide proof of copayments.
4. On June 13, 2017, the Petitioner reapplied for SER. Department Exhibit 1, pgs. 10-14.

5. On June 13, 2017, the Department Caseworker sent the Petitioner a SER Decision Notice, DHS 1419 that her application was denied because her application for energy services was not made outside of the crisis season of November 1 through May 31. Department Exhibit 1, pgs. 15-17.
6. On June 14, 2017, the Department received a hearing request from the Petitioner, contesting the Department's negative action.

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, On May 2, 2017, the Petitioner applied for SER. Department Exhibit 1, pgs. 3-6. On May 4, 2017, the Department Caseworker approved the Petitioner for SER and sent her a SER Decision Notice, DHS 1419, which she had to provide written verification of her required co-payments by May 31, 2017. Department Exhibit 1, pgs. 7-9. On June 1, 2017, the Petitioner's SER application was denied because she failed to provide proof of copayments. On June 13, 2017, the Petitioner reapplied for SER. Department Exhibit 1, pgs. 10-14. On June 13, 2017, the Department Caseworker sent the Petitioner a SER Decision Notice, DHS 1419, that her application was denied because her application for energy services was not made outside of the crisis season of November 1 through May 31. Department Exhibit 1, pgs. 15-17. On June 14, 2017, the Department received a hearing request from the Petitioner, contesting the Department's negative action. ERM 101, 102, 103, and 301.

During the hearing, the Petitioner stated that a Detroit nonprofit organization that provides assistance with utility bills made a payment on her behalf on June 1, 2017. The Department Caseworker did call the organization and left a message, but did not receive a call back for confirmation of the copayment. However, Department policy requires that the Petitioner provide written verification of the copayment by May 31, 2017. A payment on June 1, 2017 is after the May 31, 2017 due date. As a result, the Department did not make their co-payment.

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 determined that the Petitioner did not provide written verification of her co-payment SER by the due date of May 31, 2017, as a result the Department did not pay their co-payment.

DECISION AND ORDER

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

Carmen G. Fahie

CF/nr

Carmen G. Fahie
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]