



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: April 12, 2017  
MAHS Docket No.: 17-003193  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Aaron McClintic

### **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 6, 2017, from Lansing, Michigan. The Petitioner was represented by himself. Petitioner's brother [REDACTED] [REDACTED] also appeared. The Department of Health and Human Services (Department) was represented by [REDACTED] [REDACTED] AP Supervisor. Department Exhibit 1, pp. 1-14 was received and admitted.

### **ISSUE**

Did the Department properly determine Petitioner's State Emergency Relief (SER) benefit?

### **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 SER on February 23, 2017, seeking heat utility assistance.
2. On February 24, 2017, the Department processed the application and determined that Petitioner was eligible for \$ [REDACTED] with \$ [REDACTED] copayment.
3. Petitioner paid more than \$ [REDACTED] toward electric utility during the time period from August 2016 through January 2017.
4. On March 2, 2017, Petitioner requested hearing.

## 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.

Two methods for determining required payments are available. Use the method that is most beneficial for the client:

**Method 1:** Apply only the payments made for the service requested.

Client applies for electricity. The following must be entered into Bridges on the *Required Payments* screen for each month of the required payment period:

- Information about the household size.
- Household income.
- Obligation to pay for the service.
- Amount paid on the electric bill.
- Verification source for the electric payment.

**Method 2:** Apply payments made for both heat and electricity.

Client applies for deliverable fuel. Client has made electric payments but few or no heat payments. For each month of the required payment period the following must be entered into Bridges:

- Information about the household size.
- Household income.
- Obligation to pay heat and electric services.

Amounts paid for both heat and electricity. ERM 301 (February 2017)

In this case, Petitioner asserted at hearing that the correct amounts he paid towards electrical utility bills were not used in determining his SER benefit. The Department could not explain how the electrical utility payment amount that they used was calculated. The case worker who determined the amount of electrical utility payment was not available to testify at hearing. The Petitioner credibly testified that he paid more

towards electrical utilities than the Department used to calculate his benefit. Therefore the Department did not meet its burden to establish that Petitioner's SER benefits was calculated consistent with Department policy. ERM 301

### **DECISION AND ORDER**

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it determined Petitioner's SER benefit.

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. Reinstate and reprocess Petitioner's SER application to include the accurate amounts of his electrical utility payments.
2. Issue a supplement if Petitioner is found to be eligible for an increase in benefit.

AM/mc

  
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**Aaron McClintic**  
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]

**Authorized Hearing Rep.**

[REDACTED]

**Petitioner**

[REDACTED]