

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED],
Claimant

Reg. No: 2008-26581
Issue No: 5016; 5018
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
September 30, 2009
St. Clair County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne L. Keegstra

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon claimant's request for a hearing. After due notice, a telephone hearing was held on September 30, 2009. The claimant personally appeared and provided testimony.

ISSUE

Did the department properly deny the claimant's State Emergency Relief (SER) application in May, 2008?

FINDINGS OF FACT

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

1. The claimant submitted an application for SER on May 22, 2008. The claimant requested help with relocation expenses and energy services. (Department Exhibit 7 – 9).

2. Along with the SER application, the claimant submitted a Complaint and Summons for Non-Payment of Rent in the amount of \$2800.00 and a SEMCO energy bill with a total amount due of \$241.51. (Department Exhibit 10 – 12).

3. On June 2, 2008, the claimant submitted paycheck stubs for herself ([REDACTED]) and her daughter ([REDACTED]). (Department Exhibit 4 – 6).

4. On June 25, 2008, the department ran the claimant’s child support payment report and found the claimant was receiving child support income. (Department Exhibit 2 – 3).

5. An SER budget was completed for the energy request on May 28, 2008. This showed that the claimant was not eligible for any energy payments because she had reached the \$350.00 yearly cap for the fiscal year. (Department Exhibit 13 – 14, 19).

6. An SER budget was completed for the relocation expenses on May 28, 2008.

CONCLUSIONS OF LAW

The State Emergency Relief (SER) program is established by 2004 PA 344. The SER program is administered pursuant to MCL 400.10, *et seq.*, and by final administrative rules filed with the Secretary of State on October 28, 1993. MAC R 400.7001-400.7049. Department of Human Services (DHS or department) policies are found in the State Emergency Relief Manual (SER).

Department policy states:

Required Payments

Determine whether the SER group had good cause for non-payment of their shelter obligation during the last six months, regardless of the reason they are in need. See Item 204.

Example: A group in a homeless shelter or homeless due to a fire must have met required payments.

Note: In cases where the group is residing in a homeless shelter, and there are extenuating circumstances, an exception request may be made to Family Support Services, Income Support Programs. See PEM 100. ERM, Item 303, p. 2.

ISSUANCE MAXIMUMS FOR RELOCATION SERVICES

SER Group Size	Relocation Services Maximum Per Issuance
1	\$ 410
2	\$ 520
3	\$ 620
4	\$ 740
5	\$ 870
6 or more	\$1,040

Note: The amounts shown in the above table are not monthly issuance amounts. They are the total maximum issuance amounts per SER group.

Example: A group of 6 persons with a 3-month rent arrearage would receive a maximum of \$1,040 for a relocation service. ERM, Item 303, p. 5.

UTILITY SERVICES

DEPARTMENT POLICY

SER helps to restore or prevent shut off of a utility service specified in this item when service is necessary to prevent serious harm to SER group members. ERM, Item 302, p. 1.

Payment Limits

Approve only the minimum amount required to maintain current water and/or cooking gas service. Once the fiscal year cap is reached, do not approve further payments. Deny the application if the maximum available SER payment will not continue the utility service, or restore service, for at least 30 days. ERM, Item 302, p. 2.

PAYMENT LIMITS

(Effective July 9, 2007)

Energy Type	Service Code	Fiscal Year Cap
Natural gas and wood	63	\$350
Deliverable fuels except wood (fuel oil, propane, coal, etc.)	63	\$650
Residential electric (not used for heat)	65	\$350
All-electric home (combined heat & residential use)	64	\$700 (combination of \$350 for heat and \$350 for electric)
Security deposits/ fees for energy service	26/27	\$200 (per occurrence)

ERM, Item 301, p. 7.

CLIENT-CAUSED EMERGENCIES

DEPARTMENT POLICY

SER does not assist a group who failed to use their available money to prevent a shelter, energy or utility emergency. A client-caused emergency is when an SER group fails to pay required payments for the six-month period prior to the month of application. ERM, Item 204, p. 1.

REQUIRED PAYMENTS

Evaluate the payment history for the preceding six-month period to determine the required payment criteria. Required payments are actual shelter costs or required energy and/or utility payments as outlined in ERM 301 and ERM 302.

Note: Previously issued SER funds cannot be used to make required payments. Contributions from any other source can count toward required payment amounts. Refer to ERM 103, DHS-1419, Decision Notice regarding timeframes allowed for the client to make the copays or shortfalls when all other eligibility criteria are met. ERM, Item 204, p. 1.

DHS-1419, Decision Notice

Inform all SER applicants in writing of the decision made on their application. Mail or give the DHS-1419, Decision Notice, to the applicant.

If the SER group meets all eligibility criteria but has an income or asset co-payment or shortfall or contribution, SER eligibility may be approved on SIMS, but do not issue payment until the client provides proof that the shortfall or contribution, and/or co-payment has been made.

Verification of payment must be made within the 30-day authorization period or no SER payment will be made and the client will have to reapply.

If the co-payment, shortfall, contribution or combination exceeds the need, the application can be denied. ERM, Item 103, p. 3.

In this case, the claimant requested SER assistance with relocation expenses and help with a SEMCO energy payment. Claimants are only allowed \$350.00 per fiscal year in heat assistance payments. ERM 301. In this case, the claimant had already received \$350.00 for heat, so the application was denied because she had already reached her fiscal year cap.

The claimant also requested help with relocation expenses. Department policy indicates that the total co-payment, shortfall, contribution or combination exceeds the need, the application can be denied. ERM 103. In this case, the claimant has a shortfall of \$2100.00 and a copayment of \$787.39. This equals a total of \$2887.39, which is more than the need of \$2800.00. Thus, the department denied the relocation request.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly denied the claimant's relocation expense and heat expense SER application.

Accordingly, the department's actions are UPHeld. SO ORDERED.

/s/

Suzanne L. Keegstra
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: November 4, 2009

Date Mailed: November 5, 2009

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

SLK/om

cc:

