

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: 2008-28686
Issue No: 5022
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
February 4, 2009
Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Tyra L. Wright

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 hearing was held on February 4, 2009. Claimant personally appeared and testified.

ISSUE

Did the Department properly deny Claimant's application for State Emergency Relief (SER) program benefits?

FINDINGS OF FACT

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

- (1) Claimant applied for SER on March 18, 2008 due to receiving notice of shut off of his water service. (Exhibit 1). The shut off bill amount was [REDACTED]
- (2) The Department completed a SER budget on March 24, 2008. (Exhibit 2).
- (3) Claimant's water bill was [REDACTED] each month.

(4) The Department worker determined that Claimant had a shortfall of [REDACTED] because he had not paid his water bill in six months.

(5) Claimant contends that he paid [REDACTED] and therefore only had a shortfall of [REDACTED]

(6) The Department determined that Claimant had an income copayment of [REDACTED] due to his Social Security income and another group member's Family Independence Program (FIP) income. (Exhibit 2).

(7) Because Claimant's copayment of [REDACTED] exceeded the amount of the shut off bill of [REDACTED], the Department worker denied his application.

(8) The Department sent Claimant a notice of denial on March 24, 2008.

(9) The Department received the hearing request on April 4, 2008. (Exhibit 3).

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 (formerly known as the Family Independence Agency) policies are found in the State Emergency Relief Manual (SER).

Required Payments

The SER group has to pay the minimum monthly amounts for water, sewer and/or cooking gas for the last six months. See the [Payment Limits](#) chart. The required payment period is always the six-month period prior to the month the SER group applies. If required payments of the requested service were not met, determine if good cause for non-payment exists. See [ERM 204](#), Client Caused Emergencies and [ERM 103](#), Application Procedures.

SER cannot be used to make required payments.

Unmet required payments cannot be waived.

Note: Use the SER budget, as documentation to support the required payment calculation. (SER 302, p. 2)

According to the SER budget, the Claimant's shortfall and copayment together exceeded the SER amount and denied his application. Even if Claimant had a shortfall of only [REDACTED], as he contends, his copayment alone exceeded the SER need. Consequently, according to the policy, the Department acted properly in denying his application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department properly denied Claimant's application for SER benefits.

Accordingly, the Department's action is AFFIRMED.

/s/ _____
Tyra L. Wright
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: February 9, 2009

Date Mailed: February 12, 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 receipt 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.

TLW

cc:

