

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.: 2008-27966

Issue No.: 5016

Case No.: [REDACTED]

Load No.: [REDACTED]

Hearing Date:

February 5, 2009

Wayne County DHS (35)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon the Claimant's request for a telephone hearing a hearing was held on February 5, 2009. The Claimant appeared and testified.

ISSUE

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

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 July 16, 2008, the Claimant applied for and SER to help with a utility shut-off notice. Claimant needed [REDACTED] to prevent a shut-off.
2. Claimant receives [REDACTED] per month in earned and unearned income.

3. On July 31, 2008, the Department ran an SER budget and determined that the Claimant had a co-pay of [REDACTED]. (Department exhibit 1),
4. On July 31, 2008, the Department denied the Claimant's SER application for exceeding the SER income need.
5. On July 29, 2008, the Claimant filed a request for a hearing.

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).

Income Co-payment

A group is eligible for SER with respect to income if the total combined monthly net income that is received or expected to be received by all members of the group in the 30-day countable income period is not more than the monthly basic income need standard for the number of members in the SER group (see [Exhibit I](#), SER Income Need Standard).

Income that is more than the basic monthly income need standard for the number of members in the group must be deducted from the cost of resolving the emergency. This is the income co-payment.

Total Co-payment

Add the income and asset co-payments together to determine the SER group's total co-payment.

The total co-payment is the amount the SER group must pay toward their emergency. Co-payment amounts are deducted from the cost of resolving the emergency. (ERM 208, p. 1)

Under ERM 208 the monthly basic need standard for a group of two (2) is \$500.00. If the co-pay exceeds the amount needed for the emergency the Claimant is not eligible for an SER.

Here, the Claimant's income is [REDACTED], including gross earned income of [REDACTED] and unearned income of [REDACTED] from RSDI. The income co-payment is [REDACTED] which exceeds the shut-off notice total of [REDACTED]

I find that the Department correctly denied the SER because the income co-payment exceeded the amount needed to exceed the emergency.

DECISION AND ORDER

The Administrative Law Judge based on the above findings of fact and conclusions of law, AFFRIMS the Department's decision.

/s/ _____
Michael J. Bennane
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 03/26/09

Date Mailed: 03/26/09

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.

MJB/jlg

cc:

[REDACTED]