

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: 2009-1301

Issue No: 5016

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

March 25, 2009

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Jeanne M. VanderHeide

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a telephone hearing was held on March 25, 2009. The Claimant appeared and testified. [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department properly denied the Claimant's State Emergency Relief ("SER") application.

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 filed an application for SER benefits for heat and electric on August 26, 2008.
2. The Department prepared a budget on 8/27/08 to determine whether Claimant was eligible for SER benefits. (Exhibit 2).

3. Claimant testified that the income amounts used in the 8/27/08 budget were accurate.
4. The Department denied SER benefits for electric and heat on September 2, 2008 due to Claimant's co-payment equaling or exceeding his SER Need. (Exhibit 1, pp. 7, 8)
5. On September 2, 2008, the Department received the Claimant's Request for Hearing protesting the denial of the SER application.

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. The Department of Human Services' [formally known as the Family Independence Agency] policies are found in the State Emergency Relief Manual ("ERM").

State Emergency Relief ("SER") prevents serious harm to individuals and families by assisting applicants with safe, decent, affordable housing and other essential needs when an emergency situation arises. ERM 101, p. 1. The standard of promptness for a SER application is 10 days beginning with the date of application. ERM 103, p. 4. Low-income households who meet eligibility requirements may receive assistance to help them meet their household heat and electric costs. ERM 301, p. 1. Payments are authorized when the group's heating or electric service for their current residence is, or will be, shut off, or when payment is necessary to restore services. ERM 301, p.1. SER payments are not authorized unless the group's required payments are made during the 30-day authorization period. ERM 301, p. 5.

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. (Exhibit 1, ERM 208 at p. 5). 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. ERM 208 at 1. Cash assets in excess of \$50 are the asset co-payment. Id. To determine SER eligibility, the income and asset co-payments are added together to determine the SER group's total co-payment. If the co-payment is less than the need to resolve the emergency, then SER is granted. If the co-payment is greater than the need, however, then a co-payment must be applied before SER can be granted. ERM 208 at 1.

In this case, the Claimant filed a State Emergency Relief application seeking assistance for heat and utility services. The 8/28/08 budget indicates that Claimant's group of two had total net income of [REDACTED]. The standard need for a group of two is [REDACTED]. Claimant's total co-payment, therefore, equals [REDACTED]. Claimant's electric bill was [REDACTED] and his gas bill was [REDACTED] for a total of [REDACTED]. Claimant's co-payment is greater than the need to resolve the emergency. Therefore, Claimant did not qualify for SER assistance.

Based upon the foregoing facts and relevant law, it is found that the Department's determination is AFFIRMED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department properly calculated the Claimant's SER co-payment.

