

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: 2009-21458  
Issue No: 5016  
Case No: [REDACTED]  
Load No: [REDACTED]  
Hearing Date:  
May 7, 2009  
Calhoun County DHS

ADMINISTRATIVE LAW JUDGE: Landis Y. Lain

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, an in-person hearing was held on May 7, 2009. Claimant personally appeared and testified.

ISSUE

Did the Department of Human Services (the department) properly deny claimant's application for State Emergency Relief (SER) for assistance with a water shutoff?

FINDINGS OF FACT

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

(1) On October 2, 2008, the Department of Human Services received an application for State Emergency Relief (DHS-1514) from claimant for a water shutoff.

(2) The department determined that claimant is not eligible to receive relief for water shutoff because her income co-payment of [REDACTED] is greater than the water shutoff of \$124.98.

(3) On October 22, 2008, the department caseworker sent claimant a denial notice reflecting the correct denial reason.

(4) On October 24, 2008, claimant filed a request for a hearing to contest the department's negative action.

### 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).

Applicable departmental policy states that State Emergency Relief prevents serious harm to individuals and families. SER assists applicants with safe, decent, affordable housing and other essential needs when an emergency situation arises. SER, Item 101, p. 1. SER group members must use their available income and cash assets that will help resolve the emergency. The department is not to make a payment unless it will resolve the emergency. SER, Item 208, p. 1.

Available income means net income in excess of the SER need standard. This is the income co-payment. Cash assets in excess of \$50 are the asset co-payment. The department is to add the income and asset co-payments together to determine the SER group's total co-payment.

SER, Item 208, p. 1. The co-payment is the amount the SER group must pay. Deduct any co-payments from the cost of resolving the emergency.

In the instant case, the department counted claimant's total unearned income of [REDACTED] in unearned income. The department also counted [REDACTED] in earned income with the mandatory taxes and deductions of \$231.71 for a remaining earned income of [REDACTED]. The total net countable income was [REDACTED]. The income needs standard set forth in SER, Items 206 and 203 indicates that an SER group of two persons has an income needs standard of \$500. Therefore, claimant has an initial income co-payment of [REDACTED] which is in excess of the water shutoff of \$124.98. Therefore, claimant's income co-payment was greater than the water shutoff and claimant is not eligible to receive State Emergency Relief under the circumstances.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the department has established by the necessary, competent, material and substantial evidence on the record that it was acting in compliance with department policy when it denied claimant's application for State Emergency Relief based upon a water shutoff. The department properly determined that claimant's co-payment of [REDACTED] was greater than the water shutoff of \$124.98.

Accordingly, the department's decision is AFFIRMED.

/s/ \_\_\_\_\_  
Landis Y. Lain  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: May 28, 2009

Date Mailed: May 29, 2009

2009-21458/LYL

**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.

LYL/vmc

cc:

