

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2009 26541
Issue No.: 5020
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: July 7, 2010
Wayne County DHS (43)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 July 7, 2010. The claimant appeared and testified. [REDACTED] ES appeared on behalf of the Department.

ISSUE

Was the Department correct in denying Claimant's 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) Claimant applied for SER benefits on April 23, 2009. The Claimant sought assistance for electricity and heating.
- (2) Claimant's application for SER was denied on April 29, 2009 by Decision Notice stating that the SER Group's countable income exceeds the maximum amount allowed for energy services. Exhibit 1
- (3) Claimant was receiving both earned income from his employment and unearned income from unemployment benefits of \$362 weekly. Exhibit 2
- (4) The Claimant's cousin who was an SER group member also received unemployment benefits in the amount of \$246 weekly, which income was also included in the Claimant's SER budget. Exhibit 3

2009 26541/LMF

- (5) The Claimant's SER budget was credited \$327.45 in child support payments which he made.
- (6) Claimant requested a hearing on May 13, 2009 contesting the denial of his 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. Department of Human Services (formerly known as the Family Independence Agency) policies are found in the State Emergency Relief Manual (SER).

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. In order to receive benefits for energy assistance, the SER Group members must use their available income and cash assets to help resolve the emergency. ERM 208 page 1. Cash assets in excess of \$50 are the asset copayment, which amount cannot be reduced or waived. ERM 208. 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. The SER income need standard for a group of 2 is \$500. ERM 208, page 5.

In the present case, Claimant's income for his group of 2 well exceeded the income need standard amount of \$500. The Claimant's net countable income after mandatory deduction was \$2801. Additionally, the Claimant had an asset co payment amount of \$951 due to a balance in his checking account. Based on the foregoing analysis, the Department correctly determined that Claimant is not eligible for SER assistance for electric and heating assistance because his group had too much income to be deemed eligible.

As explained during the hearing the Administrative Law Judge was not unsympathetic to the Claimant's plight and efforts to find employment and generate enough income to meet his obligations and protect his assets, however the Department and this decision must follow the policy adopted to determine eligibility for SER benefits which was followed in this case.

DECISION AND ORDER

This Administrative Law Judge decides that the Department was correct in the denial of SER benefits, and it is ORDERED that the Department's decision in this regard be and is hereby AFFIRMED.



Lynn M. Ferris
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: 07/08/2010

Date Mailed: 07/08/2010

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.

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