

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

██████████,

Claimant,

Reg. No: 2009-26650

Issue No: 5020

Case No: ██████████

Load No: ██████████

Hearing Date:

June 10, 2010

Calhoun County DHS

ADMINISTRATIVE LAW JUDGE: Steven M. Brown

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 telephone hearing was conducted from Lansing, Michigan on June 10, 2010.

ISSUE

Whether the Department properly computed the Claimant's State Emergency Relief (SER) eligibility?

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 March 27, 2009 Claimant completed and filed an application for SER benefits.

2. The Department completed a SER budget which resulted in a denial due to the group's countable income exceeding the maximum amount allowed for energy services. (Exhibits 4-19)

3. On April 2, 2009, the Department mailed Claimant a State Emergency Relief Decision Notice which explained Claimant's request for assistance had been denied. (Exhibits 1-3)

4. On May 12, 2009, the Department received the Claimant's hearing request.

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).

The SER budget computation period is 30 days. This is referred to as the countable income period. The first day of the countable income period is the date the local office receives a signed application for SER. The Department verifies and budgets all nonexcluded gross income the SER group expects to receive during the countable income period. ERM 206

In the instant case, Claimant agreed that the Department used the correct income figures in completing the SER Budget, but did not understand why she was not entitled to benefits given her financial situation at the time of application. Claimant was also dissatisfied with the Department's current policy as it relates to computation of SER

benefits. Administrative Law Judges, however, have no authority to make decisions on constitutional grounds, overrule statutes, overrule promulgated regulations or overrule or make exceptions to the Department policy set out in the program manuals.

With the above said and, based on the testimony and documentation offered at hearing, I find that the Department established that it acted in accordance with policy in computing Claimant's SER eligibility.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department acted in accordance with policy in determining Claimant's SER eligibility.

Accordingly, the Department's SER eligibility determination is AFFIRMED, it is SO ORDERED.

/s/ _____
Steven M. Brown
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: June 29, 2010

Date Mailed: June 29, 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 60 days of the filing of the original request.

2009-26650/SMB

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.

SMB/tg

cc:

