

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: 2009-19319
Issue No: 5017
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
May 6, 2010
Tuscola County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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 held on May 6, 2010. Claimant appeared and testified.

ISSUE

Did the Department of Human Services properly authorize only \$ [REDACTED] for a [REDACTED] roof repair which Claimant applied for under the State Emergency Relief (SER) program?

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 February 13, 2009 Claimant submitted an application for State Emergency Relief (SER) to repair his roof.
- (2) On March 2, 2009, Claimant submitted two estimates to repair his roof. Claimant

was approved for the repair with a \$ [REDACTED] payment from the Department upon proof that Claimant had paid the remaining [REDACTED].

(3) On March 12, 2009, Claimant submitted a request for 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 (DHS or department) policies are found in the State Emergency Relief Manual (SER).

Department policy provides the following guidance for case workers. The Department's policies are available on the internet through the Department's website.

HOME OWNERSHIP SERVICES AND HOME REPAIRS

DEPARTMENT POLICY

SER helps to prevent loss of a home if no other resources are available and the home will be available to provide safe shelter for the SER group in the foreseeable future. SER also assists with home repairs to correct unsafe conditions and restore essential services.

Covered Services The following services are covered by this item:

1. Home ownership services.
 - House payments (mortgage, land contract payment or mobile home sales contract), including principal and interest, legal fees and escrow accounts for taxes and insurance.
 - Property taxes and fees.
 - Mobile home lot rent for owners or purchasers of mobile homes.

- House insurance premiums that are required pursuant to the terms of a mortgage or land contract.

2. Energy-related home repairs.

3. Non-energy-related home repairs.

Non-Energy-Related Home Repairs

Non-energy-related repairs include all home repairs for client-owned housing except furnace repair or replacement. Examples include:

- Repairs to the basic structure.
- Hot water heater.
- Septic/waste disposal system.
- Doors/windows.
- Extermination services.
- Electrical.
- Plumbing.
- Roofs.
- Wells/water supply system.
- Wheelchair ramps.

Authorization for payment is only made if the repair(s) is essential to remove a direct threat to health or safety or is required by law or a mobile home park regulation. The repair(s) must restore the home to a safe, livable condition.

SER does not pay for improvements or nonessential repairs.

The lifetime maximum for non-energy-related home repairs is \$1,500 per SER group. All non-energy-related repairs approved since 12/1/1991 count toward this maximum. CIM S has maintained a record of all non-energy home repairs since 12/1/1991. Use the IEMR(S) transaction to check the amount used to date before authorizing payment.

Non-energy home repairs authorized between 10/1/1995 and 09/30/1997 required placing a lien on the homestead. Liens filed during this period are still valid and must be repaid. See [ERM 403](#), Lien on Real Property, for discharge procedures.

Do not merge or interchange the energy-related and non-energy related home repair maximums. The lifetime maximum remains with a client even if case numbers change. (ERM 304)

In this case Claimant was approved for the maximum amount of assistance available by law under the program. The Department's action was correct in accordance with law and policy.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly authorized only [REDACTED] for a [REDACTED] roof repair which Claimant applied for under the State Emergency Relief (SER) program.

It is ORDERED that the actions of the Department of Human Services, in this matter, are UPHELD.

/s/

Gary F. Heisler
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

2009-19319/GFH

Date Signed: May 11, 2010

Date Mailed: May 12, 2010

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own 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.

GFH/alc

cc:

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