

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.: 200931234  
Issue No.: 1018; 3100  
Case No.: [REDACTED]  
Load No.: [REDACTED]  
Hearing Date: July 26, 2010  
Wayne County DHS

**ADMINISTRATIVE LAW JUDGE:** Aaron McClintic

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon remand Claimant's request for hearing. After due notice, a telephone hearing was held on July 26, 2010. The Claimant appeared and testified. [REDACTED], FIM and [REDACTED], ES appeared on behalf of the Department.

**ISSUE**

Was the Department correct in determining Claimant's SER benefit and in denying Claimant's FIP 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 May 19, 2009 and FIP benefits on January 14, 2009.
- (2) Claimant received \$162.43 on May 21, 2009 for electric service through the SER program.
- (3) Claimant was denied assistance for heat fuel because he previously received payments that exhausted the program limit.
- (4) During the period in question, Claimant earned \$1464 per month gross income from employment.

- (5) Claimant's FIP application was denied for excess income.
- (6) Claimant requested a hearing on June 6, 2009 contesting the determination of his SER application and denial of his FIP 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").

The Family Independence program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601, *et seq.* The Department of Human services (DHS or Department) administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3101-3131. The FIP program replaced the Aid to Dependant Children (ADC) program effective October 1, 1996. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference manual (PRM).

In the present case, Claimant's employment income was \$1464 per month during the period in question. After the \$200 disregard and the 20% disregard Claimant had \$1010 net budgetable income. The payment standard is \$905. Since Claimant's budgetable income exceeded the payment standard, Claimant did not qualify for FIP benefits due to excess income. This was the determination made by the Department, and it is correct.

In the present case, with regard to SER, Claimant received \$162.43 payment for electric service. Claimant was denied payment for heat fuel because previous payments exhausted the program limit of \$550. ERM 301. This was the determination made by the Department, and it is correct. Claimant did not dispute at hearing receiving previous payments through the SER program for heat fuel.

### **DECISION AND ORDER**

This Administrative Law Judge decides that the Department was correct in the determination of SER benefits and denial of FIP benefits, and it is ORDERED that the

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Department's decision in this regard be and is hereby AFFIRMED.

/s/



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Aaron McClintic  
Administrative Law Judge  
For Ismael Ahmed, Director  
Department of Human Services

Date Signed: July 30, 2010

Date Mailed: July 30, 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.

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 of the rehearing decision.

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