

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

IN THE MATTER OF:



Reg. No.: 200934511  
Issue No.: 5016  
Case No.: [REDACTED]  
Load No.: [REDACTED]  
Hearing Date: August 18, 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 the Claimant's request for a hearing. After due notice, a telephone hearing was held on August 18, 2010. The Claimant appeared testified. [REDACTED], FIM appeared on behalf of the Department.

**ISSUE**

Was the Department correct in denying Claimant's SER application?

**FINDINGS OF FACT**

- (1) Claimant applied for SER benefits on July 21, 2009.
- (2) Claimant's application for SER was denied on July 22, 2009 because he received previous payment on January 14, 2009 that exhausted the program limit for water utility.
- (3) Claimant requested a hearing on July 28, 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. The Department of Human Services' [formerly known as the Family Independence Agency] policies are found in the State Emergency Relief Manual ("ERM").


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. **Payment Limits** Approve payment up to the fiscal year cap if it will resolve the emergency and if the provider will maintain or restore service for at least 30 days. Do not authorize any payment that will not resolve the current emergency, even if the payment is within the fiscal year cap. Payments are applied to the cap of the client. Client means the applicant for or recipient of SER and includes all group members. So every individual in the group who benefits from the payment, including minor children, will have payments applied to their individual cap. The payments made to cap follow the individual even if they move from one household to another. For example: An SER payment is made for water on the mother's case. The payment applies to the mother's cap and to all the children who live with her. One child leaves the home and moves in with the father. The father then applies for SER for water. The child's cap is applied to the father's eligibility determination because the child has benefited from a water payment. Bridges tracks all service authorizations and cap limits for each individual. In order to view the payment caps, complete an inquiry in Bridges for each SER group member. Water/Sewer/Cooking Gas Cap \$175 per fiscal year. ERM 302.

In the present case, Claimant applied for assistance with a water bill. The application was denied because Claimant received payment of \$175 through the SER program for a water bill on January 14, 2009 that exhausted the program limit. ERM 302 This was the determination made by the Department and it is correct.

**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.

/s/

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

Date Signed: August 27, 2010

Date Mailed: August 27, 2010

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**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 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.

AM/hw

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