

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.: 2010-37972
Issue No.: 5017
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: October 20, 2010
Wayne County DHS (43)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

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 conducted from Detroit, Michigan on Wednesday, October 20, 2010. The Claimant appeared and testified. [REDACTED] and [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department properly processed the Claimant's State Emergency Relief ("SER") application requesting assistance with the purchase/installation of a water heater?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, finds as material fact:

1. The Claimant submitted a SER application requesting assistance with the purchase/installation of a water heater.
2. The Claimant submitted written estimates for the water heater, one which included the cost of installation, building permits, and disposal of existing unit. (Exhibits 2, 3, 4)
3. The Claimant receives Social Security benefits in the amount of \$1,004.00/month.
4. The Claimant is responsible for paying her own utilities.

5. The Claimant does not have a mortgage but is responsible for paying insurance and property taxes.
6. On February 3, 2010, the Department sent a decision notice to the Claimant informing her that she was approved for \$195.38 of the \$699.98 requested amount. (Exhibit 1)
7. On March 4, 2010, the Department received the Claimant's timely written 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' (formerly known as the Family Independence Agency) policies are found in the Emergency Relief Manual ("ERM").

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 All countable earned and unearned income is used to determine the group's financial eligibility. ERM 206 SER also assists with home repairs to correct unsafe conditions and restore essential services. ERM 304 Home ownership, energy-related home repairs, and non-energy-related repairs are services covered through the SER program. *Id.* The replacement of a water supply system is considered a non-energy-related repair. *Id.* Authorization for payment is made only 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. *Id.* The repair(s) must restore the home to a safe, livable condition. *Id.* The lifetime maximum for non-energy-related home repairs is \$1,500.00 per SER group. *Id.* An individual must obtain at least one estimate of the repair cost. *Id.* SER will pay for materials for non-energy related home repairs if all eligibility requirements are met and a non-profit agency or volunteer group is completing the home repair. *Id.* The non-profit agency or volunteer group is responsible for licensing, inspection, and local building codes. *Id.*

In this case, the Claimant requested assistance with the purchase/installation of a hot water tank. The Claimant did not have a non-profit agency or volunteer group to install the tank therefore the Department included the cost of installation, building permits, and disposal of the existing unit in the total requested amount. The Department completed the SER budget by correctly considering the Claimant's income, insurance, and property tax. The Department also allowed for the standard utility allowance. As a result, the Claimant was responsible to pay \$504.60 of the total \$699.98 requested amount. The Claimant agreed with the amounts used in computing SER eligibility but disagreed with her payment amount. Ultimately, the Department established it acted in

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accordance with Department policy when it processed and notified the Claimant of her SER eligibility. Accordingly, the Department's determination is AFFIRMED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law finds the Department established it acted in accordance with department policy when it processed and notified the Claimant of her SER eligibility.

Accordingly, it is ORDERED:

The Department's determination is AFFIRMED.

Colleen M. Mamelka

Colleen M. Mamelka
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: 10/21/2010

Date Mailed: 10/21/2010

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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