

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

IN THE MATTER OF:



Reg. No: 201048513
Issue No: 5008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
October 20, 2010
Genesee 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 hearing was held on October 20, 2010. Claimant appeared and testified.

ISSUE

Did the Department of Human Services properly deny Claimant's application for State Emergency Relief (SER) for energy services?

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 June 18, 2009 the Office of Child Support issued a Non-Cooperation Notice for Claimant.
- (2) On August 1, 2009 Claimant's Family Independence Program (FIP) case was closed as a sanction for failure to cooperate with the Office of Child Support.
- (3) On June 6, 2010 Claimant submitted an application for State Emergency Relief (SER) energy services. Claimant's Family Independence Program (FIP) case was still in sanction for failure to cooperate with the Office of Child Support.

- (4) On June 16, 2010 Claimant was sent a State Emergency Relief Decision Notice (DHS-1419) which stated her application was denied because she failed to cooperate with the Office of Child Support.
- (5) On June 21, 2010 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.

ERM 203 POTENTIAL RESOURCES

DEPARTMENT POLICY

As a condition of eligibility for SER, all the adults in the SER group must agree to take actions within their ability to make potential resources available. Potential resource means an asset or income that may be available to a client if action is taken to make the asset or income available.

Do not require the SER group to apply for loans, including home equity loans from financial institutions or individuals.

Pursuing a potential resource increases the group's ability to resolve their emergency with the additional income or asset.

Potential Resource Examples

The SER group must take reasonable action to obtain potential resources including, but not limited to:

- Program benefits under FIP, SDA, RAP, CDC, SSI, RSDI; settlements of lawsuits or insurance claims; unemployment insurance benefits and other employment-related benefits if there is the potential of benefits. Do not delay approval of SER while the group applies for other benefits. Their agreement to apply is sufficient.

Penalties

When an SER group member has been denied or terminated assistance for failure to comply, when able, with a procedural requirement of FIP, SDA or SSI, the group is not eligible for SER.

SER ineligibility continues as long as the group member fails or refuses to take available action to obtain potential resources. Sanctioned groups that are able to comply are ineligible for SER until they comply.

The policy above clearly states that Claimant is not eligible for SER when her Family Independence Program (FIP) case is in sanction for failure to cooperate with the Office of Child Support.

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 denied Claimant's application for State Emergency Relief (SER) for energy services.

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

Date Signed: October 28, 2010

Date Mailed: October 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 90 days of the filing of the original request.

201048513/GFH

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/vc

cc:

