

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

IN THE MATTER OF:



Reg. No: 2010-54296
Issue No: 4013, 5020



ADMINISTRATIVE LAW JUDGE: **Suzanne L. Morris**

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 January 25, 2011. The claimant appeared and provided testimony.

ISSUES

1. Did the department properly determine the claimant was excess income to receive State Disability Assistance (SDA)?
2. Did the department properly deny the claimant's State Emergency Relief (SER) application due to excess income?

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 applied for SDA and SER assistance with a Consumer's Energy shut-off notice on August 26, 2010.
2. On August 31, 2010, the department issued a Notice of Case Action (DHS-1605) that indicated the claimant's request for SDA was denied due to excess income. (Department Exhibit 4)
3. On August 31, 2010, the department issued a SER Decision Notice (DHS-1419) that indicated that the claimant's request for SER assistance was denied due to excess income. (Department Exhibit 5)

4. The claimant submitted two hearing requests on September 3, 2010.

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 indicates:

Requirements for State Emergency Relief

Residence in the State of Michigan is not required. SER serves all persons physically present in Michigan. In addition, SER applicants must:

- . Complete the application process
- . Meet financial and non-financial requirements
- . Have an emergency which threatens health or safety and can be resolved through issuance of SER
- . Take action within their ability to help themselves, i.e., obtain potential resources and/or apply for assistance
- . Not have caused the emergency (ERM, 204, Client-Caused Emergency)
- . Cooperate in providing information about income, assets, living arrangements, and other persons living in the home

Deny SER services for applicants who fail to meet any of the above requirements. ERM, Item 101, p. 1.

The claimant testified that she no longer disputed the department's determination of excess income for State Disability Assistance (SDA). The claimant testified that she now understood that she was excess income to receive SDA benefits.

The claimant testified that her sole remaining issue was the denial of her SER application due to excess income. The claimant testified that the department had the correct amounts for her household income. The claimant receives [REDACTED] monthly in RSDI benefits (minus the [REDACTED] in Medicare premium); [REDACTED] in a monthly pension

from the [REDACTED]; and her husband receives [REDACTED] monthly from his pension. The claimant testified that she had never previously requested any emergency assistance from the Department and that she didn't agree with the department using her income as a basis for eligibility.

Department policy indicates that low-income households who meet eligibility requirements can receive assistance to help them meet household heat and electric costs. ERM 301. Policy indicates that clients must meet financial requirements to be eligible for SER assistance. ERM 101. For a group to be eligible for energy services, the combined monthly net income that is received or expected to be received by all members of the group in the 30-day countable income period cannot exceed the monthly income need standard for SER energy/LIHEAP services for the number of members in the group. If the income exceeds the limit, the request must be denied. ERM 208. The energy/LIHEAP services need standard for a group size of two is \$2555. ERM 208. The claimant's net monthly income would clearly exceed this amount. Thus, the department properly denied her SER application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that:

1. The department properly determined the claimant was excess income to receive State Disability Assistance (SDA).
2. The department properly denied the claimant's State Emergency Relief (SER) request due to excess income.

Accordingly, the department's determination is UPHELD. SO ORDERED.

_____/s/_____
Suzanne L. Morris
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 1/28/11

Date Mailed: 1/28/11

