

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED]

Claimant

Reg. No: 2010-11565

Issue No: 5006

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

May 4, 2010

Alpena 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 May 4, 2010. Claimant appeared and testified.

ISSUE

Did the Department of Human Services properly deny Claimant's October 8, 2009 application for Utility State Emergency Relief (SER) for water and sewer service, due to the amount of Claimant's required co-payment?

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 September 23, 2009, Claimant submitted an application for State Emergency Relief (SER) to pay her overdue water and sewer bill of [REDACTED]

(2) On October 2, 2009, Claimant's SEWR application was denied because there was

no shut off notice.

(3) On October 8, 2009, Claimant submitted another SER application for the water and sewer bill and included a shut off notice.

(4) On October 10, 2009, the second application was denied because Claimant's required co-payment exceeded the past due amount.

(5) On October 19, 2009, 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.

BUDGET PROCEDURES

DEPARTMENT POLICY

SER group members must use their available income and cash assets that will help resolve the emergency. Do not make a payment unless it will resolve the emergency.

Budget Computation

Use the SER budget to calculate and certify eligibility or ineligibility for each SER application. It is not necessary to place a printed copy of the budget in the case record.

Asset Copayment

Cash assets in excess of \$50 result in an asset copayment. An asset copayment cannot be reduced or waived. See [ERM 306](#) for more information on assets for burials.

Income Copayment

A group is eligible for non-energy SER services with respect to income if the total 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 is not more than the monthly basic income need standard for non-energy services for the number of members in the SER group see [Exhibit I](#), SER Income Need Standards for Non-Energy Services.

Income that is more than the basic monthly income need standard for the number of members in the group must be deducted from the cost of resolving the emergency. This is the income copayment.

There are no income copayments for SER energy services. With respect to income, clients are either eligible or they are not. 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 services for the number of members in the group see [Exhibit II](#), SER Income Need Standards for Energy Services.

Total Copayment

Add the income and asset copayments together to determine the SER group's total copayment.

The total copayment is the amount the SER group must pay toward their emergency. Copayment amounts are deducted from the cost of resolving the emergency.

Example: The applicant has a water shutoff for \$100. The asset copayment is \$15 and the income copayment is \$100. Subtract the total \$115 copayment from the \$100 need. SER is denied because the copayment exceeds the need. (ERM 208)

In this case Claimant listed assets of \$ [REDACTED] and a total monthly income of \$ [REDACTED] the application. Claimant had no asset co-payment because she had less than \$ [REDACTED] in assets.

Claimant is a group of one so her Income Need Standard (ERM 206) is \$ [REDACTED]. Claimant's income co-payment is calculated by taking her total income (\$ [REDACTED]) and subtracting her Income Need Standard (\$ [REDACTED]) which equals \$ [REDACTED]. Claimant's SER application was for \$ [REDACTED]. Her \$ [REDACTED] required co-payment exceeds the amount applied for, so her application was denied.

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 October 8, 2009 application for Utility State Emergency Relief (SER) for water and sewer service, due to the amount of Claimant's required co-payment.

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: May 10, 2010

Date Mailed: May 10, 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.

2010-11565/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/alc

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