

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

IN THE MATTER OF:

[REDACTED] CLE  
[REDACTED]

Reg. No.: 2010-30349  
Issue No.: 2001/5026/5001  
Case No.: [REDACTED]  
Load No.: [REDACTED]  
Hearing Date: September 23, 2010  
Oakland County DHS (3)

**ADMINISTRATIVE LAW JUDGE:** Lynn M. Ferris

**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 September 23, 2010. The claimant appeared and testified. [REDACTED], FIM and [REDACTED], FIS appeared and testified on behalf of the Department.

**ISSUE**

1. Was the claimant's AMP application properly denied for excess income?
2. Was the Claimant's application for State Emergency Relief rent assistance properly denied?

**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 was a recipient of Adult Medical Program benefits (AMP) and applied for State Emergency Relief on March 22, 2010.
2. The Claimant requested a hearing regarding the closure of her AMP medical benefits due to excess income and regarding the denial of her SER application for rent assistance.
3. The Claimant received unemployment benefits for the month beginning December 2009 through February 2010 in the amount of \$1556 per month. This amount was confirmed by the Claimant at the hearing.

4. The Claimant's AMP benefits case was closed due to excess income.
5. The Claimant's gross monthly income was \$1556 at the time her AMP medical assistance case was closed. The department properly closed the claimant's AMP case due to excess income. The claimant's gross unearned income exceeded the AMP income limit which was \$316 per month. Exhibit 1
6. At the time the Claimant's request for SER rent assistance was made, the claimant did not provide a summons or notice of eviction. The Claimant provided a demand for possession and as such did not provide the Department with the information necessary to determine that an emergency existed. Exhibit 2
7. The department denied the claimant's request for State Emergency Relief on March 26, 2010.
8. The Claimant requested a hearing on January 20, 2010 which was received by the department on February 9, 2010 requesting a hearing regarding her medical program AMP benefits and the denial of her State Emergency Relief Application for rent assistance.

### **CONCLUSIONS OF LAW**

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or department) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM) and Reference Tables (RFT).

The Adult Medical Program (AMP) is established by Title XXI of the Social Security Act; (1115)(a)(1) of the Social Security Act, and is administered by the Department of Human Services (DHS or department) pursuant to MCL 400.10, *et seq.* Department policies are contained in the Program Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BPRM).

Claimants must meet all eligibility requirements to receive AMP benefits. BEM 640. Income eligibility exists when the program group's net income does not exceed the program group's AMP income limit. BEM 640. AMP income limits are contained in RFT 236, the income limit is \$316 in this case. Only countable income, per BEM 500 is used in determining AMP net income. BEM 640. Exhibit 1.

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Claimant's total unearned income must be counted, the amount of which is \$1552 in the current case, based upon the claimant's UCB benefits. This amount was verified by the claimant herself and Department. The Claimant's gross income is more than the AMP income limit of \$316. Therefore, the closure of Claimant's AMP benefits was correct.

The claimant was advised at the hearing that she may be eligible for medical assistance and should reapply to determine if she is eligible for Medicaid and subject to a monthly medical spend down deductible amount which would provide her medical coverage once the spend down amount was met.

### **SER - Rent Relief**

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).

The policy governing the eligibility for State Emergency Relief is found in the State Emergency Relief Manual. The policy provides that the state emergency relief is designed to prevent serious harm to individuals and families.

SER assists applicants with safe, decent, affordable housing and other essential needs when an emergency situation arises. In order to be eligible for rent assistance a claimant must provide proof of an eviction order or court summons regarding eviction. (A demand for possession nonpayment of rent or notice to quit is not sufficient.) ERM 303, page 5.

In this case, in order to be eligible for rent assistance the claimant had to provide the department with proof of the eviction or court summons but instead provided a demand for possession which is not sufficient. ERM 303. Because the departmental could not properly verify that an emergency existed, it properly denied the claimant's state emergency relief application. At the time of the claimant's SER application claimant's also sought assistance with heat and electricity. At the time the claimant's caseworker confirmed that there was no imminent shut off notice for either utility at the time of her application on March 22, 2010 and thus no assistance was available. ERM 103

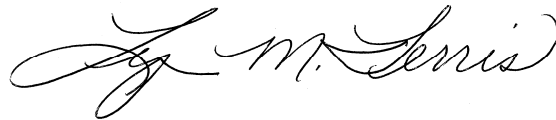
In conclusion The Claimant may reapply at any time for State Emergency Relief if at such time she can produce to shut off notice for her utilities or a summons or notice of eviction as required by the department policy. The claimant is encouraged to do so if and when she can demonstrate that an emergency exists as required by the department policy.

**DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department was correct when it determined claimant's unearned income from Unemployment Benefits exceeded the income limit for the AMP program.

Accordingly, the Department's decision closing the claimant's AMP Case was correct and is AFFIRMED.

The Administrative Law Judge based upon the above findings of fact and conclusions of law, finds that the department was correct when it denied claimant's application for State Emergency Relief (SER) of March 22, 2010 and it's denial of the application is AFFIRMED.



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Lynn M. Ferris  
Administrative Law Judge  
For Ismael Ahmed, Director  
Department of Human Services

Date Signed: 10/07/2010

Date Mailed: 10/07/2010

**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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