

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.: 2010-54350
Issue No.: 5017/5006
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: December 6, 2010
Wayne County DHS (35)

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 December 6, 2010. The claimant appeared and testified. [REDACTED], FIM and [REDACTED] Jones, ES, appeared on behalf of the Department. [REDACTED] and [REDACTED] both of adult protective services appeared as witnesses at the hearing.

ISSUE

Whether the Department properly properly denied the Claimant's application for State Emergency Relief ("SER")?

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 SER on February 25, 2010.
- 2) Based upon the income reported by the claimant's on her application, the department sent her an eligibility notice on March 12, 2010 requiring that she provided proof of copayment.
- 3) The claimant indicated that she did not receive the request for proof of copayment.
- 4) At the hearing, it was established that the claimant receives \$644 per month in Social Security benefits and a small pension in the amount of \$480. The claimant also receives \$543 for one of her daughters in SSI

2201054350/LMF

and \$774 SSI for her other daughter. The claimant further indicated that she receives sporadic child support payments.

- 5) The claimant reported a monthly unearned income set forth above but the department did not include all of the unearned income in the budget.
- 6) At the hearing, the department agreed to reopen and reprocess the claimant's SER application retroactive to the date of the application and to recalculate the budget based upon the income and pension figures set forth in paragraph 4 of this finding of fact and will also determine whether child support income has been received by the claimant which needs to be included in the income amount.
- 7) Once the department determines eligibility, it will provide the claimant with an eligibility notice and/or a co-pay letter which will be sent to the claimant at her address confirmed at the hearing which is [REDACTED].
- 8) As a result of this agreement, Claimant indicated that she no longer wished to proceed with the remainder of the 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 State Emergency Relief Manual (SER).

Under Bridges Administrative Manual Item 600, clients have the right to contest any agency decision affecting eligibility or benefit levels whenever they believe the decision is illegal. The agency provides an Administrative Hearing to review the decision and determine if it is appropriate. Agency policy includes procedures to meet the minimal requirements for a fair hearing. Efforts to clarify and resolve the client's concerns start when the agency receives a hearing request and continues through the day of the hearing.

In this case, the parties agreed to resolve this matter by reinstating the claimant's SER application retroactive to the date of application. At the hearing, it was apparent that the department did not include the unearned income reported by the claimant when she filed her application and as a result of testimony at the hearing other income which must be included. The department further agreed that once the budget was re calculated and a determination of eligibility was made, it would provide an eligibility notice to the claimant at her current address.

3201054350/LMF

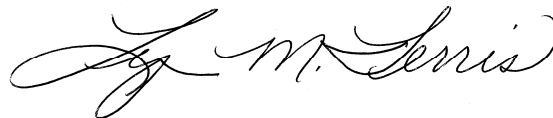
Since the Claimant and the Department have come to an agreement it is unnecessary for this Administrative Law Judge to make a decision regarding the facts and issues in this case.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department and Claimant have come to a settlement regarding claimant's request for a hearing.

Accordingly it is ORDERED:

1. The Department shall reinstate the Claimant's SER application as of the date of the SER application and shall reprocess the application. The Department shall recalculate the Claimant's SER budget and include any SSI income received by the claimant's daughters in the amount of \$543 and \$676; the claimant's Social Security in the amount of \$644; the claimant's pension in the amount of \$480 and any child support which the claimant is currently receiving.
2. The Department will determine the claimant's eligibility for SER based upon this income and shall advise the claimant regarding her eligibility by notice of eligibility sent to the claimant at her current address of record.
3. If the Claimant is deemed eligible the Department shall issue an eligibility notice advising the claimant in writing of her eligibility and any co-pay claimant is required to make, if any, in order to be eligible for SER home repair and other assistance sought by the application, including water bills, roof repair , furnace replacement, property taxes, and electrical repair.



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

Date Signed: 12/7/2010

Date Mailed: 12/7/2010

4201054350/LMF

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.

LMF/jlg

cc:

