

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: 2010-6241

Issue No: 5017

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

July 15, 2010

Saginaw County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on July 31, 2009. After due notice, a telephone hearing was held on Thursday, July 15, 2010.

ISSUE

Whether the Department of Human Services (Department) properly determined the Claimant's State Emergency Relief (SER) eligibility?

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 benefits after a tree limb damaged her home's roof.
- (2) The Claimant receives two estimates for the repair costs, which were [REDACTED] and [REDACTED].

(3) The Department denied the Claimant's SER application, because the repair estimates exceeded the maximum benefit amount.

(4) The Department received the Claimant's request for a hearing on July 31, 2009, protesting the denial of her SER application.

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. Family Independence Agency (FIA or agency) policies are found in the State Emergency Relief Manual (SER).

SER helps to prevent loss of a home if no other resources are available and the home will be available to provide safe shelter for the SER group in the foreseeable future. ERM 304. The Department may issue SER funds for non-energy-related home repairs. ERM 304. The maximum SER benefit for non-energy-related home repairs is \$1,500. ERM 304.

The Claimant's home suffered unexpected damage when a tree limb damaged the roof. The Claimant applied for SER benefits to assist with repair costs, and she had obtained two estimates of [REDACTED]. The Department denied the Claimant's application for SER benefits because the cost to repair the home exceeds the non-energy-related home repair maximum of [REDACTED] and the issuance of SER funds would not resolve the emergency.

Based on the evidence and testimony at the hearing, the Department has established that it acted in accordance with policy when it denied the Claimant's SER application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department acted in accordance with policy in determining the Claimant's SER eligibility.

The Department's SER eligibility determination is AFFIRMED. It is SO ORDERED.

/s/

Kevin Scully
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: July 26, 2010

Date Mailed: July 27, 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 60 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt 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.

KS/vc

cc:

