

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: 2010-9379
Issue No: 5017
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
July 22, 2010
Genesee County DHS

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 September 17, 2010. The claimant personally appeared and provided testimony.

ISSUE

Did the department properly deny the claimant's State Emergency Relief (SER) application?

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 assistance with home repairs on August 19, 2009. (Department Exhibit 1 – 6)
2. On September 2, 2009, the department received an updated estimate from Sweers Roofing. (Department Exhibit 11)

3. The SER application was first denied on September 10, 2009 because the house was not in the claimant's name. (Department Exhibit 12 – 13)

4. The claimant submitted a copy of a quitclaim deed and property tax bill on September 17, 2009, showing the house was in her name. (Department Exhibit 16 – 18)

5. The department then refigured the claimant's eligibility. The claimant's total copayment was \$2869.02, which exceeded the need. The SER request was denied. (Department Exhibit 25 – 26)

6. The claimant submitted a hearing request on September 17, 2009.

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 states:

Income/Asset Co-payment

Available income means net income in excess of the SER need standard (see Exhibit 1). This is the income co-payment.

Cash assets in excess of \$50 in the asset co-payment.

Add the income and asset co-payments together to determine the SER group's total co-payment. ERM, Item 208, p. 1.

Co-payment Process

The co-payment is the amount the SER group must pay. Deduct any co-payments from the cost of resolving the emergency.

Example: The applicant has an electric shut-off for \$100. The FY cap for electricity is \$450. The asset co-payment is \$15 and the

income co-payment is \$100. Subtract the total \$115 co-payment from the \$100 need. SER is denied.

Example: The applicant has an electric shut-off for \$400. The FY cap for this service is \$450. The asset co-payment is \$15 and the income co-payment is \$100. Subtract the total \$115 co-payment from \$400. The available SER payment in this case is \$285. The \$285 payment may be made once it is verified that the client's \$115 has been paid. ERM, Item 208, p. 1.

In this case, the claimant is disputing the department's decision to deny her SER application for assistance with a roof repair. The claimant submitted an estimate from [REDACTED] that indicated the cost would be "\$1140 plus wood". Sweers Roofing then indicated in a subsequent estimate that the cost for the wood would be \$800. This resulted in a total estimate of \$1940.

When the claimant's income was budgeted for the SER request, it resulted in a copayment of \$2869.02 (all of which was income copayment). Department policy indicates that the department must deduct any co-payments from the cost of resolving the emergency. ERM 208. In this case, the copayment exceeded the cost of the need, so the department properly denied the request.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly denied the claimant's State Emergency Relief (SER) application.

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

/s/ _____
Suzanne L. Morris
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: September 21, 2010

Date Mailed: September 22, 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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