

**STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES**

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-27440
Issue No.: 5008
Case No.: [REDACTED]
Hearing Date: June 6, 2011
DHS County: Wayne (82-41)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

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 conducted from Detroit, Michigan, on Monday, June 6, 2011. The Claimant appeared, along with [REDACTED], and testified. [REDACTED] appeared on behalf of the Department of Human Services ("Department").

ISSUE

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

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. The Claimant's spouse submitted an application for public assistance seeking SER benefits for utilities and home repair on January 12, 2011.
2. The Department denied receipt of the shut-off notice and estimates for the home repair.
3. In January 2011, the Claimant made payment arrangements with the utility company for the payment of her bill.
4. On January 27, 2011, the Department denied the application based on the failure to cooperate.

5. On February 11, 2011, the Department received the Claimant's written request for hearing.

CONCLUSIONS OF LAW

The State Emergency Relief 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 (formerly known as the Family Independence Agency) policies are found in the Emergency Relief Manual ("ERM").

SER prevents serious harm to individuals and families by assisting applicants with safe, decent, affordable housing and other essential needs when an emergency situation arises. ERM 101. All countable earned and unearned income is used to determine the group's financial eligibility. ERM 206. SER also assists with home repairs to correct unsafe conditions and restore essential services. ERM 304. SER helps to restore or prevent shut off of a utility service to include water services. ERM 302. The utility required payment must be met before utility services are authorized. ERM 302. The SER water cap for a group size of one per fiscal year is \$175.00. ERM 302.

Authorization for payment is made only if the home repair(s) is essential to remove a direct threat to health or safety or is required by law or a mobile home park regulation. ERM 304. The repair(s) must restore the home to a safe, livable condition. ERM 304. The lifetime maximum for non-energy-related home repairs is \$1,500.00 per SER group. ERM 304. An individual must obtain at least one estimate of the repair cost. ERM 304. SER will pay for materials for non-energy-related home repairs if all eligibility requirements are met and a non-profit agency or volunteer group is completing the home repair. ERM 304. The non-profit agency or volunteer group is responsible for licensing, inspection, and local building codes. ERM 304.

In this case, the Claimant's spouse submitted a SER application seeking assistance with utilities and home repair. The spouse dropped his information off in the drop box and he did not speak with anyone from the Department. The Department's usual practice is to speak to the individual filing the SER application that same day. The Department acknowledged receipt of the SER application but denied receipt of the shut-off notice and estimates for the home repair. On January 27th, the Department denied the Claimant's application. The Claimant testified that in February, after the denial, a not-so-pleasant conversation transpired with the Department. It was explained that the conversation was not relevant to this decision because it had no bearing on the Department's actions when the application was denied in January. As a side note, as mentioned in the hearing, when the Claimant made payment arrangements with the utility company, that arrangement resolved the emergency; thus, the SER application

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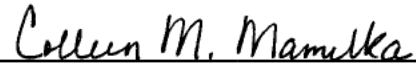
would have been denied on those grounds as well. Ultimately, it is found that the Department established it acted in accordance with policy when it denied the Claimant's application.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, finds the Department acted in accordance with Department policy when it denied the SER application.

Accordingly, it is ORDERED:

The Department's determination is AFFIRMED.



Colleen M. Mamelka

Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: June 14, 2011

Date Mailed: June 21, 2011

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.

CMM/pf

cc:

