

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: 2011-2961
Issue No: 5016
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
November 23, 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 November 23, 2010. The claimant appeared and provided testimony.

ISSUE

Did the department properly deny the claimant's State Emergency Relief (SER) request for assistance with a water payment in September, 2010?

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 a water bill in the amount of \$ [REDACTED] on September 10, 2010. (Department Exhibit 2)
2. The SER application for assistance with water was denied because the claimant's income copayment was greater than the amount requested to resolve the emergency. (Department Exhibit 1)
3. The claimant was informed in writing of this decision on September 14, 2010.
4. The claimant submitted a hearing request on September 27, 2010.

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:

BUDGET PROCEDURES

DEPARTMENT POLICY

SER group members must use their available income and cash assets that will help resolve the emergency. **Do not make a payment unless it will resolve the emergency.** ERM, Item 208, p. 1.

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.

EXHIBIT I - SER INCOME NEED STANDARDS

SER Group Size	Income Need Standard
1	\$445
2	\$500
3	\$625
4	\$755
5	\$885
*6	\$1,015

* Groups larger than 6 persons: Add \$100 for each additional person to the 'group size 6' Net Income Need Standards shown in the table. ERM, Item 208, p. 3.

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.

cc:

