STATE OF MICHIGAN STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES ADMINISTRATIVE HEARINGS FOR THE DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No: 2011-2961

Issue No: 5016

Case No: Load No:

Hearing Date:

November 23, 2010 Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne L. Morris

HEARING DECISION

This matter is before the undersigned Admini strative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon claimant's request for a hearing. After due notic e, a telephone hearing was held on November 23, 2010. The claimant ap peared and provided testimony.

ISSUE

Did the department properly deny the claim ant'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 on September 10, 2010. (Department Exhibit 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 claim ant submitted a hear ing reque st on September 27, 2010.

CONCLUSIONS OF LAW

The State Emergency Relief (S ER) program is established by 2004 PA 344. The SER program is administer ed 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 emer gency. **Do not make a pay ment unless it will resolve the emergency**. ERM, Item 208, p. 1.

Income/Asset Co-payment

Available income means net in come in excess of the SER need standard (see Exhibit 1). This is the income copayment.

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 eac h additional person to the 'group size 6' Net Income Need Standards shown in the table. ERM, Item 208, p. 3.

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.

The claimant is disput ing the department's determination that de nied her SER request for assistance with a water bill. The clai mant requested assistance in the amount of The department deni ed the request on Septem ber 14, 2010 because the claimant's income copayment exceeded the need.

The claimant's net countable income is \$ ______ The claimant's need st andard is \$ ______ This resulted in a final copayment required of \$ ______ which is greater than the requested amount of \$ ______ Thus, the department pr operly denied the claimant's SER 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) request for assistance with a water payment in September, 2010.

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

Suzanne

L. Morris

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

Date Signed: December 16, 2010

Date Mailed: December 17, 2010

NOTICE: Administrative Hearings may or der a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the maliling date of this Decision and Order. Administrative Hear ings will not orde rarehearing or reconsideration on the Department's moliton where the final decision cannot be implemented within 90 days of the filing of the original request.

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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 ti mely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

