

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

IN THE MATTER OF:



Reg. No.: 2011-30636
Issue No.: 5016
Case No.: [REDACTED]
Hearing Date: June 23, 2011
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

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 held on June 23, 2011. The claimant appeared and testified. The Department was represented by [REDACTED] Assistance Payments Worker.

ISSUE

Was the Department correct in its decision to deny Claimant's application for SER heat and electricity?

FINDINGS OF FACT

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

1. Claimant applied for SER heat and electricity on April 5, 2011.
2. Claimant received Retirement Survivors and Disability Insurance (RSDI) in the amount of \$1,295.50 per month and a pension in the amount of \$1,072.64 per month.
3. Claimant was in a group size of one.
4. The Department denied Claimant's application due to excess income.
5. Claimant requested a hearing, protesting the denial.

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. Michigan Administrative Code Rules R 400.7001-400-7049. Department of Human Services (formerly known as the Family Independence Agency) policies are found in the State Emergency Relief Manual (ERM).

ERM 208, p1 dictates:

For a group to be eligible for energy services, the combined monthly net income that is received or expected to be received by all group members in the 30- day countable income period, cannot exceed the standard for SER energy/LIHEAP services for the number of group members. If the income exceeds the limit, the request must be denied; see [Exhibit II](#), SER Income Need Standards for Energy Services.

Per Exhibit II, a group size of one has an Income Needs Standard for Energy Services of \$1,954.00.

ERM 206, p. 4 dictates:

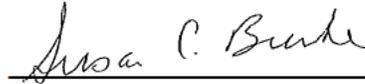
Net unearned income must be determined by deducting all of the following from the gross amount received:

- Mandatory withholding taxes.
- Court ordered child support paid, including arrears, but not more than the amount ordered by the court. No deduction is made for paid, voluntary child support.
- Payments for health insurance.
- Medicare premiums that will not be reimbursed.

In the present case, Claimant's income from RSDI and pension was \$2,368.14. Claimant testified that she had payments of health insurance of less than \$200.00. Even with the health insurance taken into account, Claimant's net income would still exceed the Income Needs Standard of \$1,954.00. The Department was therefore correct in its decision to deny Claimant's SER for heat and electricity. Claimant testified that she has other expenses such as car insurance and food, and she is having a difficult time making ends meet. While this Administrative Law Judge sympathizes with Claimant, Department policy does not allow for assistance in this particular matter.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law decides that the Department was correct in its decision to deny Claimant's application for SER-heat and electricity, and therefore it is ORDERED that the Department's decision is AFFIRMED.



Susan C. Burke
Administrative Law Judge
For Maura Corrigan Director
Department of Human Services

Date Signed:6/27/11

Date Mailed: 6/27/11

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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