

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

IN THE MATTER OF:



Reg. No: 2011-36206
Issue No: 5017
Case No: [REDACTED]
Hearing Date:
August 2, 2011
Gogebic 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 received on March 7, 2011. After due notice, an in-person hearing was held on August 2, 2011. Claimant personally appeared and provided testimony.

ISSUE

Did the department properly deny Claimant's State Emergency Relief (SER) application for assistance with expenses from the flushing of his sewer?

FINDINGS OF FACT

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

1. Claimant applied for State Emergency Relief (SER) assistance with the expenses for flushing his sewer on March 1, 2011. (Department Exhibit 3 - 7).
2. The claimant was mailed a SER Decision Notice (DHS-1419) on March 7, 2011, denying his request because his income/asset copayment exceeded his need. (Department Exhibit 16 - 18)
3. The claimant submitted a hearing request on March 7, 2011.

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R

400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. MAC R 400.903(1). An opportunity for a hearing shall be granted to an applicant who requests a hearing because of a denial. MAC R 400.903(2).

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. BAM 600. The department will provide an administrative hearing to review the decision and determine the appropriateness. BAM 600.

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:

Non-energy-related repairs include all home repairs for client-owned housing except furnace repair or replacement. Examples include

- Repairs to the basic structure
- Hot water heater
- Septic/waste disposal system
- Doors/windows
- Extermination services
- Electrical
- Plumbing
- Roofs
- Wells/water supply system
- Wheelchair ramps ERM 304.

SER group members must use their available income and cash assets that will help resolve the emergency. Do not authorize a SER payment unless it will resolve the emergency. ERM 208.

A group is eligible for non-energy SER services with respect to income if the total combined monthly net income that is received or expected to be received by all group members in the 30-day countable income period does not exceed the standards found in Exhibit I, SER Income Need Standards for Non-Energy Services. Income that is more than the basic monthly income need standard for the number of group members must be deducted from the cost of resolving the emergency. This is the income copayment. ERM 208.

In this case, the claimant's Income Need Standard for Non-Energy Services is \$ [REDACTED] (See Exhibit I to ERM 208). The claimant has total unearned income of \$ [REDACTED]. The

Income Need Standard is deducted from the total unearned income and this results in an income copayment of \$ [REDACTED]. This far exceeded the \$ [REDACTED] request for assistance. Therefore, the claimant was not eligible because his income copayment exceeded the need.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly denied Claimant's State Emergency Relief (SER) application for assistance with expenses from the flushing of his sewer.

Accordingly, the department's determination is UPHELD.

It is SO ORDERED.

____/s/

Suzanne Morris
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: August 18, 2011

Date Mailed: August 19, 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 receipt 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.

SLM/ac

Cc:

[REDACTED]