

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201127374
Issue No: 5006,5025
Case No: [REDACTED]
Hearing Date:
June 2, 2011
Wayne County DHS-41

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

DECISION AND ORDER

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 2, 2010. The Claimant appeared and testified. [REDACTED], ES and [REDACTED], FIM appeared on behalf of the Department.

ISSUE

Was the Department correct in determining Claimant's State Emergency Relief eligibility?

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 SER benefits in [REDACTED] seeking assistance with property taxes.
- (2) Claimant had \$666.50 per month in unemployment income at the time of application.
- (3) Claimant had \$811.16 in a bank account at the time of application.
- (4) Claimant owed \$761.35 in property taxes at the time of application.

- (5) Claimant's application for SER was denied on [REDACTED] because the income/asset copayment was equal to or greater than the amount needed to resolve the emergency.
- (6) Claimant requested a hearing on [REDACTED] contesting the denial of SER benefits.

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. The Department of Human Services' [formerly known as the Family Independence Agency] policies are found in the State Emergency Relief Manual ("ERM").

SER applicants must:

- Complete the application process.
- Meet financial and non-financial requirements.
- Have an emergency which threatens health or safety and can be resolved through issuance of SER.
- Take action within their ability to help themselves, i.e. obtain potential resources and/or apply for assistance.
- Not have caused the emergency ([see ERM 204](#), Client-Caused Emergencies).
- Cooperate in providing information about income, assets, living arrangements, and other persons living in the home. Deny SER services for applicants who fail to meet any of the above requirements. ERM 101.

State Emergency Relief ("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, p. 1.

DEPARTMENT POLICY

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.

Budget Computation

Bridges determines eligibility or ineligibility for each SER application and service requested. The worker is responsible for certifying the eligibility results and authorizing the payment. It is not necessary to place a printed copy of the budget in the case record.

Asset Copayment In most non-energy cases cash assets in excess of \$50 result in an asset copayment. Energy only cases do not have an asset test and therefore do not have an asset copayment. An asset copayment cannot be reduced or waived. See [ERM 306, Burials](#), for more information on assets for burials.

Income Copayment

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. There are no income copayments for SER energy services. With respect to income, clients are either eligible or they are not. 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.

Total Copayment

The income and asset copayments combined together determine the SER group's total copayment. The total copayment is the amount the SER group must pay toward their emergency. Copayment amounts are deducted from the cost of resolving the emergency.

The client is notified on the DHS-1419, Decision Notice, of their copayment amount and the deadline to return verification that they have paid their copayment. In Bridges, the worker must pseudo-authorize the application in order to establish the deadline date and to issue the DHS- 1419. The deadline date is always the last day of the 30-day eligibility period regardless of when the client requests the service. The client must provide verification of their payment by the last day of the 30-day eligibility period. ERM 208.

In the present case, Claimant received \$666.50 per month in unemployment income at the time of application. Claimant had \$811.16 in his bank account at the time of application. Pursuant to Department policy Claimant had a \$20 initial income copayment and \$761.16 asset co-payment resulting with a final total copayment of \$781.16. Claimant was seeking \$761.35 for assistance with his outstanding property taxes. \$781.16 is greater than \$761.35. Therefore, the Department's budget calculation and denial of State Emergency Relief due to the income/asset copayment being equal to or greater than the amount needed to resolve the emergency is proper and correct. ERM 208.

Claimant argued at hearing that his unemployment income has been reduced and his bank account has less money in it currently. It was explained to Claimant that Department policy dictates that eligibility be determined based on the circumstances at the time of application. Claimant was advised to reapply if his

income and assets have been reduced and that his new application would be considered based on his circumstances at the time of that application. Claimant also argued that at the time of this application his bank account contained his tax refund which was a one time irregular payment, it was explained that Department policy did not account for that and only considered the amount in the account.

DECISION AND ORDER

This Administrative Law Judge decides that the Department was correct in the denial of SER benefits, and it is ORDERED that the Department's decision in this regard be and is hereby AFFIRMED.



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

Date Signed: June 3, 2011

Date Mailed: June 3, 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.

AM/hw

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