

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

IN THE MATTER OF:



Reg. No: 201138666  
Issue No: 5017  
Case No: [REDACTED]  
Hearing Date: July 21, 2011  
Isabella County DHS

**ADMINISTRATIVE LAW JUDGE:** Christopher S. Saunders

**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 May 23, 2011. After due notice, a telephone hearing was held on July 21, 2011. Claimant personally appeared and provided testimony.

**ISSUE**

Did the department properly deny Claimant's State Emergency Relief (SER) application for assistance with the repair of the roof of her home?

**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 on May 16, 2011. (Department Exhibit 1-5).
2. The department sent the claimant a state emergency relief decision notice on May 19, 2011 denying the claimant's SER application (Department Exhibit 1-4).
3. The claimant filed a request for hearing on May 23, 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 Emergency Relief Manual (ERM).

State Emergency Relief prevents serious harm to individuals and families. SER assists applicants with safe, decent, affordable housing and other essential needs when an emergency situation arises. ERM 101.

Department policy allows for payment of certain non-energy related home repairs. Authorization for such repairs will only be granted if the repair is essential to remove a direct threat to health or safety or is required by law or a mobile home park regulation. The repair must restore the home to a safe, livable condition. ERM 304. In relation to required verifications, department policy states that the department must be shown a statement from a provider indicating the repair requested will remove a direct threat to health or safety or is required by law. ERM 304.

In the case at hand, the claimant requested SER for the roof of her home. She received estimates from two separate builders, but did not provide a statement from either indicating that the repair was necessary to remove a direct threat to health or safety. Furthermore, the claimant testified that she and her family were still living in the home and that for the time being, it is habitable. Additionally, the claimant's father testified that the roof will most certainly collapse somewhere in the near future, but that for the time being the home is habitable. The claimant, therefore, has not shown that the repairs needed to her roof pose a direct threat to the health or safety of those in the home.

### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the repairs requested do not pose a direct threat to the health or safety of those in the home and therefore do not fall within the definition of allowable non-energy home repairs under the department policy. The department properly denied the claimant's SER application.

Accordingly, the department's actions are **AFFIRMED**. It is SO ORDERED.

/s/

Christopher S. Saunders  
Administrative Law Judge  
for Maura D. Corrigan, Director  
Department of Human Services

Date Signed: July 28, 2011

Date Mailed: July 29, 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.

CSS/cr

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